



**WASHINGTON STATE
PUBLIC WORKS TRUST FUND:
INVESTING IN WASHINGTON COMMUNITIES**

906 COLUMBIA STREET, PO Box 48319, OLYMPIA, WA 98504-8319

**THE PUBLIC WORKS TRUST FUND
PRE-CONSTRUCTION
LOAN APPLICATION**

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Public Works Trust Fund Pre-Construction Loan Program Overview

The Public Works Trust Fund (PWTF) provides low-interest loans to help local governments maintain and improve essential public works systems. The Trust Fund administers four types of loan programs (1) Construction Loan program, (2) Capital Facilities Planning Loan program (CFP), (3) Emergency Loan program, and (4) Pre-Construction Loan program.

This packet provides the information and application for the Pre-Construction Loan program. More information and applications for the Capital Facilities Planning (CFP), Emergency Loan, and the Construction Loan programs can be obtained by calling your Regional Account Executive (see regional map in Appendix).

The loan application due dates for each program are:

- **Pre-Construction** Loan applications are due Friday, **August 22, 1997**.
- Call your Regional Account Executive for application deadlines of the other programs (see regional map in Appendix).

ELIGIBLE APPLICANTS

Local jurisdictions that are eligible for the Public Works Trust Fund include:

- Counties
- Cities and Towns
- Special Purpose Districts

Although private utilities, private enterprises, school districts, port districts, and Indian Tribes are not eligible for loans, the PWTF encourages partnerships with eligible jurisdictions. This could be in the form of an interlocal agreement with the owner of the improved facility.

Note:	The applying local government must retain ownership of the improved portion of the facility. <i>Applicants interested in this possibility should consult Trust Fund staff early in the application process.</i>
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THRESHOLD REQUIREMENTS

Applicants must meet the following minimum requirements in order to be eligible:

Real Estate Excise Tax

Counties, cities, and towns must have adopted the optional one-quarter of one percent (.025%) local Real Estate Excise Tax (REET) dedicated to capital purposes as allowed under RCW 82.46.010(2) prior to making application to the Trust Fund. This requirement does not apply to special purpose districts. Counties and cities that have recently adopted the REET

must begin levying the tax no later than July 1 of the year prior to the time of application. (See Attachment.)

Capital Facilities Planning (CFP)

Note: New Policy

All applicants* must have adopted a Capital Facilities Plan which meets Public Works Board standards for all public works systems they own. The minimum requirements for an eligible Capital Facilities Plan are outlined in Part E (Appendix). The CFP may be either one all-inclusive plan, or several summary documents from existing plans for each system (i.e., water or wastewater comprehensive plans), provided all requirements listed in the Appendix are met for each eligible system. Bridge and storm drainage systems may be included with all CFPs for roads.

* Due to their deadlines, jurisdictions in Lewis, Spokane, and Stevens Counties and Lakewood, Newcastle, University Place, and Shoreline (counties, cities, and special purpose districts) *are not required* to have adopted CFPs which meet GMA standards. These jurisdictions must have adopted CFPs which meet the Public Works Board standards outlined on page 29.

Capital Facilities Planning Loans

For those jurisdictions who are not eligible due to the lack of a current CFP that meets Public Works Board standards, the Trust Fund may provide zero-interest loans of up to \$30,000 for Capital Facilities Planning development. These loans are available on a continuous cycle, as funds are available.

If you are interested in obtaining a CFP loan, please call your Regional Account Executive to request an application (see regional map in Appendix).

Completion and adoption of a CFP funded by the Trust Fund is usually required before the applicant can apply for PWTF Pre-Construction Loan funding. However, there are two exceptions which allow PWTF to provide funding for both planning and construction concurrently:

1. Creation of a separate stormwater CFP if the system was previously included in the CFP for roads; and
2. Preparation of a CFP for a newly acquired satellite system which was not included in the existing CFP covering the main system.

If you wish to apply for both a CFP and Pre-Construction loan concurrently please contact Public Works staff well before the deadline to allow staff time to determine if the jurisdiction's situation meets the intent of this policy.

NOTE TO ALL APPLICANTS

All counties and cities planning under the Growth Management Act (GMA) must have the required Comprehensive Plan and Development Regulations adopted by the Act's designated deadlines or the PWTF application deadline, whichever is later, in order to be eligible for funding.

Special purpose districts are eligible to apply, even if the counties, cities, or towns they operate within are not in compliance with the GMA.

All jurisdictions should note Capital Facilities Planning standards on page 29 of the Appendix.

ELIGIBLE PROJECTS AND ACTIVITIES

The Pre-Construction Loan program is intended to accelerate the construction of eligible projects. Eligible projects include the repair, replacement, rehabilitation, reconstruction, or improvement of eligible public works systems to meet current standards for existing users. Growth related projects are not eligible. Six types of systems are currently eligible.

- Bridges
- Roads
- Domestic Water
- Sanitary Sewer
- Storm Sewer
- Solid Waste

PWTF Pre-Construction Loans may be used for the following types of activities:

- Design
- Engineering
- Bid-document preparation
- Right-of-Way Acquisition
- Environmental Studies

■ Eligible Studies

- ☐ Wellhead protection plans
- ☐ Inflow & Infiltration Studies
- ☐ Environmental Impact Analysis and Impact Determination
- ☐ Analysis of Specific Mitigation Projects
- ☐ Seismic Studies

■ Ineligible Studies

- ☐ Basin Assessments
- ☐ Comprehensive Water & Sewer Plans

LOAN LIMITS / MAXIMUM NUMBER OF APPLICATIONS

Jurisdictions are eligible for \$1 million each per biennium for Pre-Construction loan funding. Jurisdictions may submit up to four applications per eligible system per biennium. Any applicant with recommended funding in which the total amount of all loans per program would exceed program limits may be allowed to restructure its financing to allow the applicant to borrow up to the maximum allowed. This will be permitted at the discretion of the Public Works Board.

WHEN THE MONEY WILL BECOME AVAILABLE

Contracting for Pre-Construction loans will begin immediately after Board approval. Trust Fund policy is to allow jurisdictions 90 days to complete and return a Scope of Work form. Loan agreements will be issued upon receipt of a Scope of Work form. Jurisdictions have up to 90 days to sign and return the loan agreements. The first draw will be allowed at that time.

INELIGIBLE PROJECTS AND ACTIVITIES

- Growth related projects (see Part B: Key Policy Information: Growth for definition);
- Rolling stock; and
- Projects for routine maintenance and operation activities.

INTEREST RATES / LOCAL PARTICIPATION

Pre-Construction Loan program's interest rates vary from one to three percent, depending on the percentage of local funds committed to the project. The following table shows the relationship of loan interest rate to the level of local participation in the project:

<u>Interest Rate</u>	<u>Local Participation</u>
1%	30%
2%	20%
3%	10%

Applicants must commit locally-generated revenues for a minimum of ten percent (10%) of those costs not covered by grants or other non-local sources. Locally-generated revenues may include the proceeds from: general obligation or revenue bonds, local tax revenues, local improvement districts, private funding, state-shared liquor and fuel taxes, and other federal or state loans (when repaid with local revenues). The Pre-Construction and Construction Loan programs are independent of each other. Local Match must be calculated separately for each. *The Local Match for one loan cannot be counted toward another loan.*

PAYBACK

Pre-Construction loan terms are a maximum of five years. A sample repayment schedule (based on a 5-year, \$1 million loan) is included in the Appendix.

ELIGIBLE PROJECT COSTS

Eligible project costs are listed in the Appendix. Those costs identified may be counted toward the required local share, provided they are properly documented and are incurred within 12 months of the date an agreement is formally executed (signed by all parties to the agreement). **In no case will costs incurred prior to loan execution be reimbursed by the PWTF.**

READINESS TO PROCEED AND TIME OF COMPLETION REQUIREMENTS

Pre-Construction Loan: Please see “When Money Will Become Available” section for information on the Pre-Construction contracting process. Pre-Construction projects must begin within three months of loan agreement execution, and be completed within 18 months of loan agreement execution.

IMPACT ON DEBT CEILING

Under legislation passed in 1987, Public Works Trust Fund loans do not impact a jurisdiction’s statutory debt ceiling (RCW 39.69), although the constitutional debt ceiling remains the same. (See RCW 39.69 in attachment section).

HOW TO PROVIDE INPUT TO THE PROCESS

The Public Works Board annually reviews Trust Fund policies and makes changes and adjustments necessary to meet the needs of Washington’s communities. The Board welcomes your input to the administration of all four programs--Pre-Construction, Construction, Capital Facilities Planning, and Emergency. If you would like to address the Board or submit ideas for consideration, please contact your Regional Account Executive (see regional map in Appendix).

DISBURSEMENT OF FUNDS

Seventy-five percent (75%) of loan proceeds may be drawn upon the execution of the contract. The final twenty-five percent (25%) may be drawn at project close-out.

FACTORS TO CONSIDER WHEN REQUESTING A PRE-CONSTRUCTION LOAN

Cash Flow: Pre-Construction loans are paid back over a five-year term. If your jurisdiction receives both a Pre-Construction and Construction loan for a project, you will be making annual payments on both loans until the Pre-Construction loan is paid in full.

Impact on Local Match: The Pre-Construction and Construction programs are distinct, separate programs. Applications for each program must show a local match of at least ten percent (10%) for each loan.

Project Evaluation: If your jurisdiction applies for a Pre-Construction loan in the fall, the Trust Fund will keep the application’s score on file through the next Construction Loan application cycle. If you apply for a Construction loan, you will need to update the Scope of Work form and project financial information. If you choose to re-write your application, your new score will be used. The Trust Fund will not take the higher of the two scores.

PART B: KEY POLICY INFORMATION

ACQUISITION / MERGER / RECEIVERSHIP OF OTHER SYSTEMS

Jurisdictions in the process of acquiring or merging with other jurisdictions may apply for Trust Fund loans. Any such loan will not pay for system acquisition but may be used for the repair, replacement, reconstruction, rehabilitation, or improvement of the to-be-acquired system. The legal agreement to merge or obtain the acquired system may be made contingent upon receiving a Trust Fund loan for system improvements. Important timelines follow:

- 1) The legal agreement must comply with Titles 54, 56, or 57 of the Revised Code of Washington and be in place at the time of application. A copy of the agreement must accompany the application.
- 2) Actual acquisition or merger must occur prior to or in concurrence with the execution of a formal loan agreement. Local governments with a private system under their “receivership” may apply for a Trust Fund loan. The applicant will be responsible for the loan repayment if the system is returned to private ownership.

GROWTH

Projects in anticipation of “growth” are not eligible for Trust Fund financing. The exclusion of growth-related projects are those infrastructure improvements which are not necessary to serve the current population to current standards, including component oversizing. Current standards are those in effect at the time of application and would include, for example, requirements under the Federal Safe Drinking Water Act as well as the Department of Ecology’s 110 percent policy on the capacity of sewage treatment plants. The extension of any public works system to serve any speculative residential, commercial, industrial, or public facility is not permitted with construction loan moneys. The Trust Fund will participate in projects that involve service to clients and future clients, if Trust Fund moneys are used solely for the current service needs portion of the project. It is recommended that applicants involved in this type of project consult with Trust Fund staff at the earliest possible time. See also the provisions on domestic water and sanitary sewer systems, provided in the following pages.

If more than twenty percent (20%) of the land area served or potentially served by the system extension has not been developed, a proration will occur on the amount available for the loan. Recognizing that differences of interpretation may occur, the Public Works Board has determined that any such differences will be resolved in favor of increasing local participation and decreasing Trust Fund participation in such projects. Jurisdictions with projects of this nature should consult with Trust Fund staff at the earliest possible time.

COMPETITIVE BIDDING

The Public Works Board recognizes that fair and open competition is a basic tenet of public works procurement. Competitive bidding under Washington law:

- Reduces the appearance and opportunity for favoritism.
- Inspires public confidence that contracts are awarded equitably and economically.

- Provides documentation of the actions taken.
- Maintains effective monitoring mechanisms which are an important means of curbing improprieties.

These management practices help establish public confidence in the process by which contractual services are procured.

The enabling language for the Public Works Board requires that “...all projects aided in whole or part under the provisions of this chapter shall be put out for competitive bids, except for emergency public works under 43.155.065...” This law is specific to the Trust Fund and supersedes any other competitive bidding law of counties, cities, or special purpose districts. Small works rosters are considered to be a part of the competitive bidding process. Force account work is not permitted.

This information is coupled with two special interpretations:

- 1) A local government may use an interlocal agreement for roadway seal coating to perform such work if bids or quotes from private sector contractors have been solicited and compared with the interlocal agreement proposal.
- 2) Due to the special public health significance and liability involved, a domestic water system project may use the local government’s own staff and equipment to perform sterilization/sanitation and bacteriological testing before the system components are put into use.

Engineering and design activities may be performed in-house by staff or by engineering consultants selected under the state law on architectural or engineering services procurement (RCW 39.80). A local government may also provide project materials (pipe, fire hydrants, luminary poles, traffic signal standards, etc.) for the contractor to install, provided the materials were acquired by competitive bid. Locally-provided materials may be used as local share if purchased within 12 months of loan agreement execution or may be financed by the loan if purchased after loan agreement execution.

LAND ACQUISITION

Acquisitions of additional land, right-of-way, or easements are subject to the following: the land must be necessary to complete the project applied for and, in the case of easements, must be for a period of not less than the life of the PWTF loan. Examples of permitted land acquisition are the purchase of additional land to construct a new water reservoir, purchase of additional right-of-way to widen an existing roadway, and securing an easement under railroad property for a sewer line. Purchase of wetlands for the purpose of stormwater detention is permitted. (Also see the redevelopment policy.)

REDEVELOPMENT

The Public Works Board encourages in-fill of developed areas and the redevelopment of existing residential, commercial, and industrial areas to meet the needs of changing local economies. Realignment of roads, storm water, sewer, and water lines to better serve a reconfigured residential, commercial, or industrial area are examples of activities permitted

under this policy. PWTF funds may not be used to purchase new or additional land within a redevelopment area. Land acquisitions necessary for reconfigured public facilities are solely the responsibility of the local government.

OTHER PUBLIC WORKS STANDARDS

The applicant/recipient of a Trust Fund loan is required to comply with all other public works construction laws, including but not limited to: metric conversion, Americans with Disabilities Act (ADA), environmental acts, prevailing wages, Department of Health, Ecology, Revenue, and Labor and Industries standards. Local governments are encouraged to use business firms certified as minority-owned and/or women-owned in carrying out projects. Local governments may set their own use standards, based upon local conditions, or may use the state of Washington Minority and Women's Business Enterprise (MWBE) goals, as identified in WAC 326-30.

BRIDGES

Bridge projects may be for one bridge or several bridges as long as the project is clearly part of a strategy to upgrade an existing substandard bridge system. Combining bridge and culvert replacement is permitted if shown to be a part of an overall public works strategy. The construction of a bridge where there is currently no bridge is permitted only if the bridge is part of a "missing link" of an existing roadway system.

ROADS

Road projects can include construction of a project along a new alignment (substitution) if it can be shown that construction on the existing alignment would be environmentally or fiscally cost prohibitive or if the realignment is part of a redevelopment strategy. Completion of a "missing link" in an existing roadway system is permitted. The inclusion of other elements to complete a road project, including sidewalks, bicycle lanes, signs, signals, lighting, and landscaping necessary to control erosion is permitted. The definition of roads includes county/city ferry system boats and docks, but not parking facilities.

DOMESTIC WATER

Domestic water systems may be extended to include satellite operations as well as to replace existing privately-owned system sources, if it can be demonstrated there is an existing or potential health hazard and it is good public works management to extend the domestic water system to serve this area. If a public health emergency, public health hazard, or other public health designation exists, a copy of the certification from the local health officer or the State Department of Health should accompany the application. The legal authority that authorizes the declaration should be referenced.

Purchase and installation of approved water conservation fixtures, systems, and equipment, as identified in state law for client groups (County/City/PUD/Water/Sewer, but not Irrigation or Reclamation Districts) are eligible for PWTF financing. The PWTF loan term shall not exceed the ten-year pay back period specified in conservation fixture legislation.

Effective with the 1994 application cycle, all drinking water systems assisted with PWTF financing must be fully metered at the time of application, or in the alternative, the loan application may include the cost of metering as an eligible cost with other water system work proposed. Metering means both water sources and points of sale. Water purveyors who have over 1,000 connections may use a phased-in metering program that will meet the intent of this policy by January 1, 2003.

SANITARY SEWERS

Sanitary sewer systems may be extended to include satellite operations as well as to replace existing privately-owned systems, if it can be demonstrated there is an existing or potential threat to the jurisdiction's ground or surface waters.

New Policy

Effective with the 1997 application cycle, sanitary sewer systems will be extended to include repair/replacement of sanitary sewer side service connections on privately owned property, if it can be demonstrated that the work done on the private property will benefit the public system. The applicant, at the time of application, must have in place an ordinance or resolution declaring such repair/replacement to be a public policy of the jurisdiction and setting forth the finding of public benefit.

If a public health emergency, public health hazard, or other public health designation exists, a copy of the certification from the local health officer or the State Department of Health should accompany the application. The legal authority that authorizes the declaration should be referenced.

Purchase and installation of approved water conservation fixtures, systems, and equipment, as identified in state law for client groups (County/City/PUD/Water/Sewer, but not Irrigation or Reclamation Districts) are eligible for PWTF financing. The PWTF loan term shall not exceed the ten-year pay back period specified in conservation fixture legislation.

Water reuse projects are eligible for PWTF financing.

STORM SEWERS

Storm sewer systems include enclosed drainage systems, open ditches, channels, and culverts to convey storm or surface waters. Also included are detention/retention basins, sedimentation basins, debris booms or oil skimmers, and ladders to reduce erosion on steeply-sloped waterways. Projects to protect and enhance wetlands when degradation is caused by storm sewer discharges are permitted. Separation of combined sanitary and storm sewer systems is permitted.

Public Works Trust Fund loans will not be provided for the repair, rehabilitation, reconstruction, or improvement of levees, dikes, or waterway channels which serve as flood control devices on rivers, creeks, or streams with mean annual flows of greater than 20 cubic feet per second.

NEWLY ELIGIBLE SYSTEM: SOLID WASTE

Effective with the 1998 loan cycle, solid waste system projects will be eligible for PWTF funding. Eligible projects include:

- Capital projects which result in the repair, restoration, or replacement of existing facilities used in waste reduction, recycling, or disposal;
- Capital projects necessary to provide for the transfer and storage of solid waste, moderate risk hazardous waste as defined by Chapter 70.105 RCW, and materials for recycling;
- Landfill improvements or remedial actions at open, closed, or abandoned sites to ensure regulatory compliance or minimum functional standards such as monitoring wells, landfill caps, and landfill gas leachate monitoring and collection/disposal systems; and
- Development costs will be eligible provided the project is needed to serve the existing customer base and takes place in an existing and permitted landfill. Landfill closure costs will be eligible only for landfill cells constructed prior to November 27, 1989.

The Trust Fund will not provide money for landfill site acquisition; rolling stock, incinerator or waste-to-energy facilities, or acquisition of a privately-owned system or system component.

NOTE: A design build or "turnkey" contract for repair, restoration, or replacement is not considered to be private ownership acquisition. Please refer to RCW Chapter 39.10 for authorization and eligibility to utilize this type of contract. This Chapter of Legislation is effective until July 1, 1997.

Not more than 25 percent of the available loan money will be allocated to solid waste projects in any given year.

MULTI-SYSTEM PROJECTS

The Public Works Board encourages the submission of projects which provide for the upgrade of all public works systems in the area. For example: a road reconstruction project may include replacement of existing sanitary sewer, domestic water, and storm sewer lines. A water line project may include related roadway surface restoration and an asphalt overlay from roadway to roadway edge upon completion of the water line work. Normally, the public works system which has the largest cost will determine which project classification to apply for.

PART C: INSTRUCTIONS FOR COMPLETING THE APPLICATION

1. The application form (identified as Part D) is attached. One set of forms should be completed for each project. Please submit the **original and four copies** of the application form for each proposal by the deadline indicated.

Applicants who wish to obtain a copy of the PWTF loan application on PC diskette should contact Beth Rockwell (360) 753-3262 or email: Bethr@cted.wa.gov. The application on disk is in Word 6.0 format. This application can also be found on the County Road Administration Board (CRAB) Website at www.crab.wa.gov/pwtf. ***An application on PC diskette will not be accepted in lieu of hard copies.***

2. You are encouraged to use the application forms provided. Rekeying is permitted, if the rekeyed application is reproduced in the same form as the original. ***Please do not submit applications with answers to questions only.***
3. If more space is needed for a response to a particular question, please attach additional sheets of plain paper to the application form immediately following the question page. When submitting a rekeyed application, or an application printed from a disk, please keep the format as is. ***Please do not alter or add page numbers.***
4. Check to make sure all applicable questions have been fully answered. Credit will not be given for unanswered questions. No new information will be accepted after the application deadline.
5. Photographs, bid specifications, and blueprints will not be accepted as part of the application.
6. **Number of Applications Allowed:** Each applicant may submit up to four applications per biennium, in each of the six eligible project categories (bridge, road, domestic water, sanitary sewer, storm sewer, and solid waste).
7. **Multi-Jurisdiction Applications:** If you are applying jointly with another local government, you are encouraged to contact your Regional Account Executive for assistance.
8. **Multi-System Projects:** If your public works proposal is a combination of system types, you must select one category in which to apply--generally, this will be whichever system comprises the major cost of the project.

Application Deadline:

- **Deadline for the Pre-Construction Loan program is: Friday, August 22, 1997**

Mail or Ship to:

Public Works Trust Fund
Community, Trade & Economic Dev.
906 Columbia Street S.W.
P.O. Box 48319
Olympia, Washington 98504-8319

Hand Deliver to:

Public Works Trust Fund
Community Investment Unit
Third Floor, Suite 350
906 Columbia Street S.W.
Olympia, Washington 98504-8319

Note: If you have any questions regarding completion of this application, or any suggestions as to how this process can be improved, please call your PWTF Regional Account Executive (see regional map in Appendix).
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PUBLIC WORKS TRUST FUND APPLICATION HINTS

- ✓ Start early. Some of the requested information may not be readily available in your office. Establish a time table for the application completion, review, approval, and mailing with specific dates for each part to be completed.
- ✓ Establish your “application team.” Involve your financial office to respond to questions on fiscal management and local tax rates. Include engineering and planning staff, consultants, or regional associations as needed.
- ✓ Have your application team identify other groups you may need to coordinate with. For example: citizen groups or neighborhood councils, another jurisdiction which provides utility services within your area, local school districts, public and private power or telecommunication firms, or state and federal agencies with environmental protection responsibilities.
- ✓ If your application is primarily written by engineering staff, consider having someone with a planning background review it. Likewise, if it has been written by someone who is principally a planner, have an engineer review the work.
- ✓ Make sure each copy has all answers completed and all supplemental sheets attached. (Some questions may ask for similar information. Make sure you answer each question, even if the information can be found elsewhere in the application.)
- ✓ Have someone not familiar with your project application review the draft document for clarity. Someone who is not familiar with the project--a co-worker, a friend, etc., is likely to be able to point out unclear responses to you.
- ✓ Before mailing your application, check to make sure all applicable questions have been answered. Unanswered questions will not receive any credit and the Trust Fund will not accept new information after the application deadline.
- ✓ Check the figures offered in SECTION II: PROJECT FUNDING. Make sure that all dollar figures and totals are added correctly. PWTF does not round up.
- ✓ Be sure to mail the full application packet on time. Failure to meet the required deadline will result in an application being rejected!

PART D: APPLICATION FORM

Note: Please answer all applicable questions. Place "N/A" in the space provided if not applicable. Credit will not be given for unanswered questions.

SECTION I: GENERAL INFORMATION

A. APPLICANT SUMMARY

1.01 Applicant Jurisdiction: _____

1.02 Street Address: _____

P.O. Box (if available): _____

City, State, Zip Code: _____

1.03 Telephone: _____

E-Mail Address _____

1.04 Identify a person in your jurisdiction who is familiar enough with the project to answer questions:

Name, Title

Telephone Number

FAX Number

1.041 If a consultant prepared this application, please identify:

Name, Company

Telephone Number

FAX Number

1.05 Type of project (check one):

Bridge____ Road____ Domestic Water____ Sanitary Sewer____

Storm Sewer____ Solid Waste____

1.051 County in which the project is located: _____

State Legislative District(s):_____ Congressional District(s):_____

1.06 Provide a brief project title: _____

Provide a brief project description. (For example: Replace South Street Sewer Lines):

SECTION I: GENERAL INFORMATION (CONTINUED)

B. THRESHOLD REQUIREMENTS

- 1.07** Has your jurisdiction adopted the local one-quarter of one percent (0.025%) excise tax on the sale of real property as permitted by RCW 82.46.010(2)? (See Attachment).

Yes _____ No _____ Not Applicable _____

Growth Management Act: For Counties and Cities involved in GMA Planning. (Does not apply to special purpose districts.) Please refer to the Appendix for a list of time lines on a county-by-county basis.

- 1.08** Have you adopted a Comprehensive Plan in compliance with GMA?

Yes _____ No _____ Not Applicable _____

Please attach copies of Resolution and date of adoption.

- 1.09** Have you adopted the Development Regulations required for compliance with GMA?

Yes _____ No _____ Not Applicable _____

Please attach copies of Resolution and date of adoption.

ALL APPLICANTS:

- 1.10** Place a check after each public works system owned by your jurisdiction.

Bridge_____ Road_____ Domestic Water_____ Sanitary Sewer_____

Storm Sewer_____ Solid Waste_____

CAPITAL FACILITIES PLANNING REQUIREMENTS:

- 1.11** Note: This portion of the application is directed at jurisdictions who are *not* required to meet Growth Management Act (GMA) requirements or whose compliance dates have not yet passed. *If you have a GMA approved Comprehensive Plan, you do not have to answer this question.*

Capital Facility Plans must meet requirements as described below.

The following are minimum **threshold** requirements for a Capital Facilities Plan (CFP) as established by the Public Works Board. All loan applicants not planning under GMA must have a CFP which meets them

PLEASE IDENTIFY THE PAGE(S) IN THE CFP WHERE THIS INFORMATION IS LOCATED.

1. Inventory major system components, show locations and capabilities, and assess the overall capital needs for the specific system(s) involved;

Yes _____ No _____ Page # _____

2. Identify, prioritize, and coordinate major capital improvement projects over a six-year period;

Yes _____ No _____ Page # _____

3. Estimate capital project costs, identify financing alternatives for each project identified. Transportation projects and funding must be consistent with locally-established service standards;

Yes _____ No _____ Page # _____

4. Must be updated on a regular basis. We recommend at least once every two years. In no case will a plan over six (6) years old be accepted;

Yes _____ No _____ Page # _____

5. Must have provided opportunity for early and continuous public participation; (Please provide a summary of public meetings with dates that have been held to develop and adopt CFP);

Yes _____ No _____ Page # _____

6. Must be consistent with, and be an element of, the comprehensive plan formally adopted by the governing body of the local jurisdiction; (Please attach resolution ordinance of adoption);

Yes _____ No _____ Date of Comprehensive Plan Adoption _____

7. Must be consistent with the comprehensive plans of neighboring jurisdictions; and

Yes _____ No _____ Page # _____

8. Forecast future needs for the capital facilities, show location and capabilities of expanded or new capital facilities.

Yes _____ No _____ Page # _____

PLEASE INCLUDE A COPY OF YOUR CURRENT CFP.

For applicants under GMA whose deadlines for compliance have not passed, their CFP's must meet items one (1) through six (8) above

For number seven (7) above, the Public Works Board gives a special interpretation for special purpose districts. Special purpose districts need to show consistency with the comprehensive land use plan of the counties and/or cities in which they provide services.

SECTION I: GENERAL INFORMATION (CONTINUED)

WATER SYSTEM APPLICANTS ONLY:

1.12 Is your system fully metered?

Yes _____ No _____

If no, please explain. (See Part B: Key Policy Information - Domestic Water).

1.13 Is your Water System Comprehensive Plan current (approved within the last six years?)

Yes _____ No _____ Not Applicable _____

If "Yes," enter date of adoption: _____

If no, please attach a letter from the Washington State Department of Health, Division of Drinking Water, indicating that your system has an approved development schedule for its Water System Plan.

SOLID WASTE SYSTEM APPLICANTS ONLY:

To qualify for loans for solid waste or recycling facilities, a city or county must demonstrate that the solid waste or recycling facility is consistent with and necessary to implement the comprehensive solid waste management plan adopted by the city or county under chapter 70.95 RCW.

1.14 Do you have a comprehensive solid waste management plan adopted by the city or county under chapter 70.95?

Yes _____ No _____ Not Applicable _____

If "Yes," enter date of adoption: _____

1.15 Is the project that you are applying for consistent with and necessary to implement the comprehensive solid waste management plan?

Yes _____ No _____ Not Applicable _____

<p>Note: If you answer "No" to any questions from 1.07 through 1.15, please contact your Regional Account Executive before continuing.</p>

1.16 Is the proposed project listed in the CFP (or summary document)? Yes _____
No _____

If no, please explain.

SECTION I: GENERAL INFORMATION (CONTINUED)

C. REVENUE INFORMATION

Note: The following questions are legally required but are not rated. Special purpose districts need answer only those questions applicable to their district. If the jurisdiction is not authorized under state law to levy any one of the following taxes or rates, insert "N/A" in the appropriate space.

For systems that do not charge by cubic foot of water, convert your rate into a charge for cubic feet or estimate the charge on that basis. Use the residential rate for all utilities.

1.17 What is the current monthly rate charged to a single-family residence for the use of 1,000 cubic feet of water? _____

1.18 What is the current monthly sanitary sewage utility rate charged to a single-family residence? _____

1.19 What is your jurisdiction's maximum revenue-levy property tax per \$1,000 valuation? _____

1.20 What is the current regular-levy (non-voter approved) property tax rate per \$1,000 assessed valuation (exclude port, hospital, fire, cemetery, etc.)? _____

1.21 Does the current rate reflect a tax increase equivalent to the 106 percent limit?

Yes _____ No _____ Not Applicable _____

1.22 Identify the rate for:

<u>Type of Tax</u>	<u>Current Rate</u>	<u>Statutory Maximum</u>
Local Option Sales*	_____ %	_____ 1.00%
Real Estate Excise (local only)	_____ %	_____ 1.00%
Electricity*	_____ %	_____ 6.00%
Natural Gas*	_____ %	_____ 6.00%
Telephone*	_____ %	_____ 6.00%
Cable TV	_____ %	_____
B & O	_____ %	_____
Water	_____	_____
Sanitary Sewer	_____	_____
Storm Sewer	_____	_____
Storm/Surface Sewer	_____	_____
Solid Waste	_____	_____

*Excluding state and municipal transit system taxes

SECTION II: PROJECT FUNDING

NOTE: This part of the application has changed significantly from previous Public Works Trust Fund applications. Also note that grant money cannot be used as local match.

Pre-Construction loans are awarded two times each year; in early summer, and the fall. Since Legislative approval is not necessary for these loans, contracting will begin immediately upon Public Works Board approval.

2.01 Estimated Project Costs

	Total	Expansion or Growth	Repair or Replacement
Preliminary Engineering	\$ _____	\$ _____	\$ _____
Design Engineering	\$ _____	\$ _____	\$ _____
Bid-Document Preparation	\$ _____	\$ _____	\$ _____
ROW Acquisition	\$ _____	\$ _____	\$ _____
Environmental Studies	\$ _____	\$ _____	\$ _____
Pre-Construction			
Other Fees	\$ _____	\$ _____	\$ _____
Sales & Use Taxes	\$ _____	\$ _____	\$ _____
Pre-Construction Subtotal	\$ _____	\$ _____	\$ _____ *

* See note under section 2.03 on expansion or growth costs.

SECTION II: PROJECT FUNDING - (CONTINUED)

2.02 Anticipated Funding Sources

Federal Grants	\$	_____	
State Grants	\$	_____	
Grants Subtotal			\$ _____

NOTE: GRANT MONEY CANNOT BE USED AS LOCAL MATCHING FUNDS

Locally Generated Revenue

General Funds	\$	_____	
Capital Reserves	\$	_____	
Other Fund _____	\$	_____	
Rates	\$	_____	
Assessments(LID, RID, ULID)	\$	_____	
State Shared Revenue (Fuel Tax, MVET: List)			
_____	\$	_____	
_____	\$	_____	
Federal Loans (List)			
_____	\$	_____	
_____	\$	_____	
State Loans (List)			
_____	\$	_____	
_____	\$	_____	
Other (Identify Sources)			
_____	\$	_____	
_____	\$	_____	
Total Local Revenue			\$ _____
Trust Fund Loan			\$ _____

SECTION II: PROJECT FUNDING - (CONTINUED)

2.03 Calculating Local Match

Please Note:

- Expansion or Growth costs are not eligible for PWTF funding. Please exclude any expansion or growth related costs and funding before calculating the local match.
- State and Federal Grants cannot be used as local match. Please exclude grants before calculating the local match.

When calculating your local match, please remember that we do not round up percentages for local match. (i.e., we will not accept .299999 for .3 percent.)

Calculate the local match as follows:

$$\frac{\text{Total Local Revenue}}{(\text{PWTF Loan} + \text{Total Local Revenue})} = \text{Local Match}$$

Please show your local match calculation:

Local Match (%)_____

The Local Match Must Be At Least	Ten percent (10%)	For a loan interest rate of	3%
	Twenty percent (20%)	For a loan interest rate of	2%
	Thirty percent (30%)	For a loan interest rate of	1%

SECTION II: PROJECT FUNDING - (CONTINUED)

FINANCIAL PREPAREDNESS

2.05 Describe any constraints on the sources listed under 2.02. Examples might include voter approval, receipt of federal grant, or time or match limitations associated with a particular fund source.

2.06 How do you intend to repay this loan? Please identify revenue sources.

2.07 Will you be using any kind of an improvement district as part of the local share?

Yes _____ No _____

Examples include local improvement districts (LIDs) and road improvement districts (RIDs). Other possibilities include utility improvement districts (ULIDs), transportation benefit districts (TBDs), or business improvement areas (BIAs).

2.071 Identify the district type: _____

<p>Note: Applicants in the process of establishing a Local Improvement District (LID) or a Utility Local Improvement District (ULID) to help pay for projects should make application after the protest period is past. If the protest period is not past, you must be able to show your ability to finance the project in the event that the LID or ULID fails. Applicants who have not passed the protest period at the time of application, and who have not demonstrated capacity to repay the project without LID or ULID involvement will be considered a high risk and may not be awarded PWTF loans. <i>Applicants proposing to use a Transportation Benefit District (TBD) for project funding should have obtained voter approval for levying taxes prior to submitting this application.</i></p>
--

2.072 If yes, has the protest period for the LID or ULID formation passed?

Yes _____ No _____

If it is a TBD, has voter approval for formation been given?

Yes _____ No _____

SECTION II: PROJECT FUNDING (CONTINUED)

- 2.08** How and when have project cost estimates been made? Indicate the source of your estimates (i.e., 1995 engineering study done by county public staff, or estimates completed by consulting engineer). Identify the public works standards (i.e., UATA, APWA, AWWA, AASHTO) used to arrive at project scope and cost.

SECTION III: PROJECT SCOPE

- 3.01** Provide a Scope of Work for the proposed design and engineering project in quantified terms--how much and which system elements are you proposing to repair or replace (i.e., design and engineering for two wells; preconstruction activities to include design and engineering for 800 linear feet of water transmission main). If any of the project activities proposed are an expansion of your present system (rather than repair or reconstruction), identify these activities and explain whether they are necessary to serve the current population.

Note: Be specific in your response. Your Scope of Work must clearly meet the identified need for the project as described in responses to Question 4.02. Include a map of your jurisdiction or service area with the location of your project activities clearly shown. (Label project roads and bridges with functional classifications: i.e., primary arterial, collector, etc.) If the project contains wetland(s) as disclosed in Section VI, page 25 of this application, please show the location and type of wetland(s) on the map. Attach additional sheets if necessary. Guidelines for preparing the Scope of Work are found in the Appendix, pages 41 and 42.

SECTION III: PROJECT SCOPE (CONTINUED)

3.02 Estimated Schedule for Project Completion

Estimated Completion Date

Loan Agreement Signed	_____
Preliminary Engineering Report	_____
Required Permits Obtained	_____
Design Engineering	_____
Land ROW Acquisition	_____
Prepare Bid Documents	_____

Note: **The Public Works Trust Fund will begin the contracting process immediately upon Board approval. Loan recipients must sign a loan agreement within 90 days of receiving the agreement from the Trust Fund. Work on pre-construction projects must begin no later than 3 months of loan agreement execution, and be completed within 18 months of loan agreement execution.**

Applicants are responsible for scheduling adequate time to acquire all necessary permits and approvals.

SECTION IV: PROJECT NEED

Note: *All questions are important. Due to the competitiveness of this program, some applicants miss being funded by only one point. A maximum of 100 points is possible. Questions receiving points have the number of points possible noted in brackets.*

4.01 [Up to 6 points] Please identify the primary category(ies) of the proposed project:

<u>Bridge/Road</u>	<u>Domestic Water</u>	<u>Sanitary Sewer</u>
<input type="checkbox"/> Principal arterial	<input type="checkbox"/> Supply/Source	<input type="checkbox"/> Treatment (includes water reuse)
<input type="checkbox"/> Minor arterial	<input type="checkbox"/> Treatment	<input type="checkbox"/> Intercept
<input type="checkbox"/> Major collector	<input type="checkbox"/> Storage	<input type="checkbox"/> Pump/Lift
<input type="checkbox"/> Minor collector	<input type="checkbox"/> Transmission	<input type="checkbox"/> Collector
<input type="checkbox"/> Local/Other	<input type="checkbox"/> Distribution	<input type="checkbox"/> Conservation/Other
	<input type="checkbox"/> Conservation/Other	
<u>Storm Sewer</u>	<u>Solid Waste</u>	
<input type="checkbox"/> Storage/Detention	<input type="checkbox"/> Waste Reduction/Recycle	
<input type="checkbox"/> Treatment	<input type="checkbox"/> Remedial Action	
<input type="checkbox"/> Interceptor	<input type="checkbox"/> Transfer	
<input type="checkbox"/> Collector	<input type="checkbox"/> Final Disposal	
<input type="checkbox"/> Other	<input type="checkbox"/> Other	

SECTION IV: PROJECT NEED (CONTINUED)

- 4.02 [Up to 22 points]** This section of the application is your opportunity to tell us your story describing the need to proceed with the proposed project. Provide enough detail to describe the seriousness of the public works problem(s) you are proposing to solve and the benefit you wish to achieve with this project. (The Scope of Work in question 3.01 provides the solution to the need identified in this question.)

Note: When responding to parts a) and b), please provide thorough and complete responses, including financial or numerical data to demonstrate the extent of the problem. If you use supporting documentation, provide a summary of that information in this response and attach a copy of the supporting document. See Appendix, for samples of “Project Need” descriptions. Attach additional sheets if necessary.

- a) Describe the seriousness of the public works problem(s) you are proposing to solve. (Is there a threat to public health or safety? Describe how many people are affected, area affected, impacts to community, etc.)
- b) Describe how and to what extent or degree this project will benefit this public works system. (Some examples are: operating cost reductions, permit efficiencies, extend useful life of the system, use of recycled materials, recycle/resource conservation, etc.)
- c) Does the Scope of Work fully address all of the project need as described in 4.02 a) and b) above?

Yes _____ No _____

If no, please identify how the project described in the Scope of Work is a part of a strategy to fully address the need. Please identify what other projects and time frames are necessary to complete a local government response to the project need.

SECTION IV: PROJECT NEED (CONTINUED)

- 4.03 [No points for yes; negative 1 point for no] FOR GMA PARTICIPANTS ONLY.** Is your jurisdiction party to a GMA county-wide planning policy related to the type of public facility for which you are applying for funding? (RCW 43.17.250) (See Attachment.)

Yes _____ No _____

Note: This question does not apply to Non-GMA jurisdictions.

If yes, please specify the policy: _____

- 4.04 [0-2 points]** Are there other jurisdictions such as counties, cities, state/federal agencies involved in the planning, financing, construction, or operation of this project?

Yes _____ No _____

If so, please explain how and with whom.

- 4.05 [0-2 points]** What opportunity to increase local economic activity in a community with low economic growth will this project provide?

Describe the current local economic conditions and how, why, and to what degree you believe the proposed project will improve the economic outlook for your community.

SECTION IV: PROJECT NEED (CONTINUED)

4.06 [Up to 8 points] Please indicate if any of the following apply:

- _____ The local government has declared an official emergency for this project. ***Please explain and attach a copy of emergency declaration.***
- _____ The project is necessary to comply with a court order. ***Please attach a copy of the court order.***
- _____ The project is necessary to comply with an official enforcement action by a regulatory agency. ***Please identify the agency and attach supporting documentation.***
- _____ A moratorium has been imposed by the local government or a regulatory agency. ***Please attach supporting documentation.***
- _____ The project is preventative in nature. ***Please describe below and attach supporting documentation.***
- _____ Other urgency. ***Please describe below and attach supporting documentation.***

4.061 Describe any of the above checked circumstances.

4.062 Identify attached supporting documents, or explain why documentation is not available.

SECTION V: LOCAL MANAGEMENT EFFORT

Local management effort is defined as the measure of a local government's maintenance practices, willingness and ability to raise revenue from local sources, and its ability to manage these revenues. This effort will be measured in four key areas: system maintenance, revenue acquisition, financial management, and capital facilities planning implementation. The person(s) responsible for each area is encouraged to respond to the appropriate questions. Points are awarded only for the answers provided under each question. You may repeat an answer under separate questions as long as the information is relevant. Attach additional sheets if needed to complete your answer.

Note: Unless otherwise stated, “public works system” or “system” refers to the *entire public works system* (road, bridge, domestic water, sanitary sewer, storm sewer, or solid waste) for which this application is being made. Bridges and storm sewers may be considered to be components of the road system, if the applicant jurisdiction provided these services under joint planning, budgeting, and maintenance practices.

5.01 Has your governing body acquired this system within the last six years?

Yes _____ No _____

5.02 [Up to 5 points] Describe three of the most current maintenance or repair projects undertaken in the last ten years for this system. Exclude modifications made solely to accommodate growth. Include a brief descriptive title for the work (i.e., Well 3 Rehabilitation \$248,756, Rivus Bridge Deck repair \$26,000, etc.). Applicants for bridge or storm water projects may list maintenance or repair projects made for the entire road system.

<u>Project Title</u>	<u>Date Completed</u>	<u>Cost</u>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

Note: If your system is newly acquired, or in the process of being acquired, explain how you anticipate doing the above.

SECTION V: LOCAL MANAGEMENT EFFORT (CONTINUED)

- 5.03 [Up to 10 points]** Other than maintenance or repair projects, describe four or more strategies behind your maintenance program (i.e., use of maintenance plan, reserve funds, scheduled inspections, methods of budgeting, computer programs used). Please provide sufficient detail for each strategy identified. Be specific in how the strategy is used.

NOTE: If your system is newly formed, explain how you anticipate implementing a maintenance program. Attach additional sheets if necessary.

- B. 5.04 [Up to 5 points]** Explain how you finance capital improvements for the public works system for which you are applying (i.e., pay-as-you-go, debt issuance, special levies, LIDs, etc.).

- 5.05 [Up to 5 points]** List two or more revenue producing taxes, charges, or fees that are used to maintain and operate the system(s) for which you are applying (i.e. rates, general taxes).

Explain how you finance operations and maintenance activities for the public works system for which you are applying (i.e. rates, tipping fees, general taxes, other fees and taxes).

SECTION V: LOCAL MANAGEMENT EFFORT (CONTINUED)

- 5.06 [Up to 5 points]** Explain in detail what has been done in the last ten years to maintain or improve the financial base of the public works system for which you are applying (i.e., rate review, dedication of tax revenues, special fees/charges, recycling activities, resource conservation, preventative maintenance, methods/policies for reducing operating costs). Attach additional sheets if necessary.

- 5.07 [Up to 5 points]** Identify the latest debt (bond or loan) issued within the last ten years to support this system. Identify what it was used for, when it was issued, and the amount. Bridge, storm water, and ferry projects may cite a road or street issuance. If debt financing has not been used, indicate N/A.

<u>Description</u>	<u>Date Issued</u>	<u>Original Issuance Amount</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

- 5.08 [Up to 5 points - Restorative - to restore any points lost in 5.07]** Has an improvement district been formed in the past ten years to support this system?
Yes _____ No _____

Bridge and storm sewer projects may cite local improvement districts (LIDs) and road improvement districts (RIDs). Other possibilities include utility improvement districts (ULIDs), transportation benefit districts (TBDs), or business improvement areas (BIAs).

If yes, name(s) of the improvement district(s) and when formed.

_____	_____
	Month/Year
_____	_____
	Month/Year
_____	_____
	Month/Year

SECTION V: LOCAL MANAGEMENT EFFORT (CONTINUED)

5.09 [Up to 5 points - Restorative - to restore any points lost in 5.07] Does your jurisdiction use pay-as-you-go financing in place of debt financing?
Yes _____ No _____

5.091 If yes, please indicate your reasons for doing so and show the sources of revenue for your pay-as-you-go financing of this system (i.e., general taxes, reserve accumulation, community fund raisers, etc.). Attach additional sheets if necessary.

5.092 List the three most significant pay-as-you-go projects in the last ten years.

<u>Description</u>	<u>Date</u>	<u>Cost</u>
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____

5.10 [Up to 5 points. Restorative - to restore any points lost in 5.07] Are there any local economic conditions or circumstances which prevent your jurisdiction from using, or more fully using, one or more revenue sources (bonds, loans, LIDs, RIDs, rate adjustments, taxes, pay-as-you-go, etc.)?

Yes _____ No _____

If yes, please explain.

SECTION V: LOCAL MANAGEMENT EFFORT (CONTINUED)

C. FINANCIAL MANAGEMENT

Note: These next questions are designed for you to tell us how your management policies and strategies benefit the system for which you are applying. Please consider financial, operational, and human resource management in your response.

- 5.11 [Up to 4 points]** Please list four or more financial management policies or strategies (i.e., investment goals, purchasing practices, employee training, budgeting strategies, etc.) you are using to benefit *the finances of this system*.

SECTION V: LOCAL MANAGEMENT EFFORT (CONTINUED)

- 5.12 [Up to 12 points]** Explain how you are carrying out the policies and strategies listed on the previous page. ***Directly correlate your answer to each policy or strategy identified in question 5.11.***

SECTION V: LOCAL MANAGEMENT EFFORT (CONTINUED)

C. CAPITAL FACILITIES PLAN IMPLEMENTATION

Note: The following questions are used to determine whether or not Capital Facilities Plans (CFPs) are being implemented.

- 5.13 [Up to 9 points]** Please name two capital improvement projects identified within the last six years in a CFP for this system which have either been initiated or completed. If no capital improvement projects were listed for this system, please write N/A in the space provided.

Project	Year Initiated
---------	----------------

Project	Year Initiated
---------	----------------

- 5.131 [Up to 9 points. Restorative - for credit lost in 5.13]** If you have just adopted a CFP for the first time for this system, please list capital projects from your CFP for this system for which you will be expending funds in the current or upcoming year. If no capital improvement projects were listed for this system, please write N/A in the space provided.

Project	Year Initiated
---------	----------------

- 5.132 [Up to 9 points. Restorative - for credit lost on 5.13]** Please name up to five capital improvement projects (not for this system) listed in your CFP which have either been initiated or completed within the last five years. **If no capital improvement projects were listed for other systems, please write N/A in the space provided.**

Project/System	Date
----------------	------

Project/System	Date
----------------	------

Project/System	Date
----------------	------

Project/System	Date
----------------	------

Project/System	Date
----------------	------

SECTION VI: WETLANDS DISCLOSURE FORM (GOVERNOR'S EXECUTIVE ORDER 90-04)

6.01 Is there a wetland, as defined by either U.S. Fish and Wildlife or the Clean Water Act, on the site or within 200 feet?

Yes _____ No _____

U.S. Fish and Wildlife Definition

For purposes of this classification wetlands must have one or more of the following three attributes: (1) at least periodically, the land supports predominantly hydrophytes, (2) the substrate is predominantly undrained hydric soil, and (3) the substrate is nonsoil and is saturated with water or covered by shallow water at some time during the growing season of each year.

Clean Water Act Definition

Those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

6.02 Washington State Four-Tier Wetlands Rating Category: (If yes, mark all that apply.)

Categories _____ I, _____ II, _____ III, _____ IV

6.03 Are any wetland mitigation measures proposed to avoid impacts from this project?

Yes _____ No _____

6.04 If yes, please describe.

6.05 Will these mitigation measures result in no net loss of wetlands?

Yes _____ No _____

Information on this disclosure form was provided by:

Name

Title

() _____
Phone

Date

APPLICANT CERTIFICATION

WHEREAS, _____, is applying to the Washington State Public Works Trust Fund program for a low-interest loan for an eligible project; and

WHEREAS, RCW 43.155.070 requires that applicants planning under RCW 36.70A.040 must have adopted comprehensive plans in conformance with the requirements of chapter 36.70A RCW, and must have adopted development regulations in conformance with the requirements of chapter 36.70A RCW; and

WHEREAS, RCW 70.95 requires a comprehensive Solid Waste Management plan adopted by the city or county; and

WHEREAS, RCW 43.155.070 requires that county and city applicants must have adopted the local optional one-quarter of one percent Real Estate Excise Tax, as described in Chapter 82.46 RCW; and

WHEREAS, the local governing body has approved submission of this application for a Public Works Trust Fund loan; and

WHEREAS, it is recognized and acknowledged that the entire application packet consists of Part A, Part B, Part C, Part D, and Part E all of which contain policy and procedural information applicable to the program. Only Part D need be returned for review by the Public Works Board; and

WHEREAS, the applicant recognizes and acknowledges that the information in Part D is the only information which will be considered in the evaluation and rating process. Incomplete responses will result in a reduced chance of funding. In order to ensure fairness for all, the Public Works Board does not accept any additional written materials or permit applicants to make presentations before the Board; and

WHEREAS, the information provided on the Wetlands Disclosure form (Section VI) is accurate to the best of the local government's knowledge and ability; and

WHEREAS, it is necessary that certain conditions be met as part of the application process; and

WHEREAS, RCW 43.155.060 requires that the project will be advertised for competitive bids and administered according to standard local procedure; and

WHEREAS, the loan will not exceed 90 percent of eligible costs incurred for the project; and

WHEREAS, any loan arising from this application constitutes a debt to be repaid, and
(person/title) _____ has reviewed and concluded it has the necessary capacity to repay such a loan; and

WHEREAS, the information provided in this application is true and correct to the best of the government's belief and knowledge and it is understood that the state may verify information, and that untruthful or misleading information may be cause for rejection of this application or termination of any subsequent loan agreement.

NOW THEREFORE, (name of local government) _____ certifies that it meets these requirements, and further, that it intends to enter into a loan agreement with the Department of Community, Trade and Economic Development, provided that the terms and conditions for a Public Works Trust Fund loan are satisfactory to both parties.

Signed _____

Title _____

Name _____

Date _____

ATTEST _____

**CERTIFICATION BY PREPARER OF APPLICATION
(Staff Member of Consultant)**

WHEREAS, _____ has prepared this application for a Washington State Public Works Trust Fund loan; and

WHEREAS, the preparer recognizes and acknowledges that the entire application packet consists of Part A, Part B, Part C, Part D, and Part E, all of which contain policy and procedural information applicable to the program, and that only Part D need be returned for review by the Public Works Board; and

WHEREAS, the preparer recognizes and acknowledges that the information in Part D is the only information which will be considered in the evaluation and rating process. Incomplete responses will result in a reduced chance of funding, and that in order to ensure fairness for all, the Public Works Board does not accept any additional written materials or permit applicants to make presentations before the Board; and

WHEREAS, the information provided in this application is true and correct to the best of the preparer's belief and knowledge; and

WHEREAS, the information provided on the Wetlands Disclosure Form (Section VI) is accurate to the best of the preparer's knowledge and ability; and

NOW THEREFORE, _____ recognizes and acknowledges the above declarations and certifies that this application meets the above requirements.

Signed _____

Name _____

Title _____

Date _____

ATTEST _____

APPLICATION CONTENT CHECKLIST

_____ A separate application, including the certification form, has been completed for each project proposal being submitted. **NOTE: Please make sure all questions have been answered.**

_____ Four copies of each application are included with each original (a total of five).

_____ A map, clearly showing the project location and adjacent wetlands, has been included with the original application. (Copies are not required.)

_____ Comprehensive Plan and Development Regulation Resolutions of Adoption are attached.

Please do not send photos, blueprints, or specifications with the loan application.

Applicants who wish to obtain a copy of the PWTF loan application on PC diskette should call Beth Rockwell, Public Works Trust Fund staff, at (360) 753-3262. The application will be copied in Word 6.0. If you decide to reprint the application, please keep the format as is. When additional sheets are needed to answer a question, please start a new page immediately after the question page. **We will not accept a PC diskette submittal in lieu of paper copies.**

Note: This application can be found on the County Road Administration Board (CRAB) Website at www.crab.wa.gov/pwtf.
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Applications should be mailed to:	Applications should be hand delivered to:
Public Works Trust Fund Department of Community, Trade, and Economic Development P.O. Box 48319 Olympia, Washington 98504-8319	Public Works Trust Fund Community Investment Unit Third Floor, Suite 350 906 Columbia Street S.W. Olympia, Washington

Note: Applications must be postmarked no later than:
<i>Pre-Construction:</i>
▪ Friday, August 22, 1997
or hand delivered to the Public Works Trust Fund office <i>no later than 4:00 p.m.</i> of the application due date. FAXED APPLICATIONS WILL NOT BE ACCEPTED.

PART E: APPENDIX

PUBLIC WORKS BOARD CAPITAL FACILITIES PLAN STANDARDS

The following standards are the minimum requirements for a Capital Facilities Plan (CFP) as established by the Public Works Board. As of January 1, 1996, the Trust Fund requires all loan applicants to have CFPs which meet these requirements (except those jurisdictions planning under GMA whose deadlines are after January 1, 1996).

1. Inventory major system components, show locations and capabilities, and assess the overall capital needs for the specific system(s) involved;
2. Forecast future needs for the capital facilities, show location, and capabilities of expanded or new capital facilities;
3. Identify, prioritize, and coordinate major capital improvement projects over a six-year period;
4. Estimate capital project costs, identify financing alternatives for each project identified. Transportation projects and funding must be consistent with locally-established service standards;
5. Must be updated on a regular basis. We recommend at least once every two years. In no case will a plan over six (6) years old be accepted;
6. Must be consistent with the comprehensive plans of neighboring jurisdictions;
7. Must have provided opportunity for early and continuous public participation; and
8. Must be consistent with, and be an element of, the comprehensive plan formally adopted by the governing body of the local jurisdiction.

For number eight above, the Public Works Board will give special interpretation to special purpose districts. Special purpose districts need to show consistency with the comprehensive land use plan of the counties and/or cities in which they provide services.

Note: Counties and cities that have an approved CFP as part of the GMA requirements, generally meet the above standards. A list of counties planning under the GMA and the due dates follow.

**GROWTH MANAGEMENT ACT (GMA) COMPREHENSIVE PLAN
AND DEVELOPMENT REGULATION REQUIREMENTS
Timeline by County**

Applicants in the following counties *must have adopted their Growth Management Comprehensive Plan and Development Regulations* * by the application deadline in order to be considered for this PWTF loan cycle:

Benton	Chelan
Clallam	Clark
Columbia	Douglas
Ferry	Franklin
Garfield	Grant
Island	Jefferson
King	Kitsap
Kittitas	Mason
Pacific	Pend Oreille
Pierce	San Juan
Skagit	Snohomish
Thurston	Walla Walla
Whatcom	Yakima

Applicants in the following cities and counties have GMA deadlines that are not affected by this application cycle:

Lakewood	Lewis County
Newcastle	Shoreline
Spokane County	Stevens County
University Place	

Applicants in the following counties are not currently subject to GMA requirements:

Adams	Asotin
Cowlitz	Grays Harbor
Klickitat	Lincoln
Okanogan	Skamania
Wahkiakum	Whitman

**Development Regulations* shall include those covering critical areas, resource lands, urban growth areas, zoning, and subdivision. If you need further clarification regarding GMA requirements, or if you would like a copy of the Growth Management Act, please call the Growth Management office at (360) 753-2222.

PERMIT AND REVIEW CHECKLIST

This checklist is intended to provide applicants with additional assistance in scheduling for the acquisition of necessary permits and approvals related to their proposed projects. **This checklist is for applicant's use only, and is not meant to be all-inclusive. Do not return with the application.**

LOCAL PERMITS AND REVIEWS

- | | |
|--|---|
| <input type="checkbox"/> Building Permit | <input type="checkbox"/> Shoreline Management Act |
| <input type="checkbox"/> Grading Permit | <input type="checkbox"/> Compliance (RCW 90.58) |
| <input type="checkbox"/> SEPA Compliance (WAC 197-11) | <input type="checkbox"/> (See Appendix) |
| <input type="checkbox"/> <input type="checkbox"/> Categorically exempt | <input type="checkbox"/> Exempt |
| <input type="checkbox"/> Determination of non-significance | <input type="checkbox"/> Shoreline permit |
| <input type="checkbox"/> or mitigated (dns) | <input type="checkbox"/> Conditional use |
| <input type="checkbox"/> Determination of significance (ds) | <input type="checkbox"/> Variance |
| <input type="checkbox"/> (environmental impact statement required) | <input type="checkbox"/> Other _____ |
| <input type="checkbox"/> Other _____ | <input type="checkbox"/> Other _____ |

STATE PERMITS AND REVIEWS

- | | |
|---|--|
| <input type="checkbox"/> Hydraulic Code Compliance | <input type="checkbox"/> Wetlands Disclosure (Governor's |
| <input type="checkbox"/> (RCW 75.20) - DOF or WDW | <input type="checkbox"/> Executive Order 90-04) |
| <input type="checkbox"/> Floodplain Disclosure | <input type="checkbox"/> Critical Area Disclosure |
| <input type="checkbox"/> (RCW 86.16) | <input type="checkbox"/> (RCW 36.70A) |
| <input type="checkbox"/> Puget Sound Basin Disclosure | |
| <input type="checkbox"/> (RCW 90.70) | |
| <input type="checkbox"/> Other _____ | |
| <input type="checkbox"/> Other _____ | |

FEDERAL PERMITS AND REVIEWS

- | | |
|--|---|
| <input type="checkbox"/> NEPA (NEPA PL 91-190) | <input type="checkbox"/> U.S. Army Corps of Engineers |
| <input type="checkbox"/> Other _____ | <input type="checkbox"/> (as amended) |
| <input type="checkbox"/> Other _____ | <input type="checkbox"/> Section 10 |
| | <input type="checkbox"/> Section 404 |

ECONOMICALLY DISTRESSED COUNTIES

The Legislature has spelled out specific information the Public Works Board must consider in establishing a prioritized list of public works projects to receive loans from the Public Works Trust Fund. One piece of information the Board is required to consider is “whether the project is located in an area of high unemployment, compared to the average state unemployment.” The Board considers this information an indicator of economic distress when approving the final priority list of projects to be sent for legislative action.

The Public Works Board has adopted a definition of economic distress established by the Legislature in 1985 when it created the Development Loan Fund to assist local governments in need. To receive the economic distress designation, a jurisdiction’s project must be located within a county that has an unemployment rate that is 20 percent (20%) above the statewide average for the previous three years. The unemployment statistical data is determined annually by the Washington State Employment Security Department. The final prioritized list of Public Works Trust Fund loan applications will reflect the most recent statistical data available.

The following counties (and those communities within their borders) are considered economically distressed under the Public Works Trust Fund Program:

Adams	Chelan
Clallam	Columbia
Cowlitz	Ferry
Franklin	Grant
Grays Harbor	Kittitas
Klickitat	Lewis
Mason	Okanogan
Pacific	Pend Oreille
Skagit	Skamania
Stevens	Yakima

Any changes to the above list made by the Employment Security Department prior to application deadline will automatically be incorporated by the Public Works Trust Fund staff.

PUBLIC WORKS BOARD MEMBERS

John Woodworth, Chair
President
Woodworth and Company
Tacoma, Washington

Terry J. Matelich
Manager
Val Vue Sewer District
Seattle, Washington

Moe R. Batra
Project and Marketing Manager
RH2 Engineering
Redmond, Washington

The Honorable Allen E. Ogdon
Mayor
City of Cheney
Cheney, Washington

Mary Jo Briggs
Interim City Manager
City of Vancouver
Vancouver, Washington

Yoshio Ohno, Vice Chair
President
Ohno Construction Company
Seattle, Washington

The Honorable Cheryl Chow
City Council Member
City of Seattle
Seattle, Washington

The Honorable Travis Reed
Commissioner
North Perry Water District
Bremerton, Washington

Peter E. Hahn
Public Works Director
Snohomish County
Everett, Washington

Vacant Position
General Public

The Honorable Nora Mae Keifer
Whitman County Commissioner
Colfax, Washington

Vacant Position
County Elected Official

Ken Kukuk
Manager
Asotin County PUD
Clarkston, Washington

PUBLIC WORKS BOARD MISSION

The Public Works Board was created by the 1985 Legislature to provide leadership in the arena of public works management. Appointed by the Governor for staggered four-year terms, the Board is comprised of: (1) local government officials from counties and cities; (2) special purpose district representatives; and (3) private sector members. The 13 members of the Public Works Board possess a wide range of experience and talent in relevant fields such as public finance, engineering, construction, and local government public works management.

The Public Works Board understands that the condition of local physical infrastructure has a significant bearing on the quality of life in Washington communities. In addition to providing stewardship of the Public Works Trust Fund, the Board recognizes one of its chief aims is to promote good public works management strategies and techniques. To this end, the Board has adopted a formal statement of its mission and goals:

The mission of the Washington State Public Works Board is to assist Washington's local governments in meeting their public works needs to sustain livable communities.

To accomplish this mission, the Board will:

- Provide leadership to local governments to encourage self-reliance in meeting their long-range public works needs.
- Assist in the financing and repair, reconstruction, replacement, rehabilitation, or improvements to enhance and preserve public works facilities through the management of the Public Works Trust Fund Program.
- Encourage and provide technical assistance in capital facilities and demand management planning, finance, preventative maintenance, and public works management.
- Encourage effective local government investment in public works facilities.
- Seek additional innovations for leveraging the Public Works Trust Funds in pursuit of these purposes.

PUBLIC WORKS STAFF ROSTER

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Washington State
Department of Community, Trade and Economic Development
Public Works Trust Fund Regions
Betty Lochner, Senior Program Manager

Account Executives are your primary contacts for all matters dealing with PWTF services - including development of your Capital Facilities Plan, addressing an emergency, outlining options for funding a construction project, identifying opportunities for economic diversification for those in Rural Natural Resources impact areas, and project close-out.

Account Executives can help you integrate with other state and federal programs through the Infrastructure Assistance Coordinating Council (IACC) and the Governor's Rural Community Assistance Team.

Account Executives are supported by the PWTF Contracts Manager who handles routine contract matters, fund transfers to clients, and loan billings.

Account Executives welcome the opportunity to work with you to forge new partnerships with other public services such as housing, and downtown revitalization.

Assistance may be obtained by calling your Account Executive at the numbers shown below, or by calling (360) 753-3158 or writing to:

Department of Community, Trade and Economic Development
Public Works Trust Fund
906 Columbia Street SW
P.O. Box 48319
Olympia, WA 98504-8319



Regional Account Executives			
Region 1 Isaac Huang (360) 586-0659 Isaach@CTED.WA.GOV	Region 2 Denise Van Housen (360) 753-4283 Denisev@CTED.WA.GOV	Region 3 Betty Lochner (360) 753-4282 Bettyl@CTED.WA.GOV	Region 4 Terry Dale (360) 664-0407 Terryd@CTED.WA.GOV

**PUBLIC WORKS TRUST FUND
SAMPLE REPAYMENT SCHEDULE**

**PUBLIC WORKS TRUST FUND PRE-CONSTRUCTION LOAN
ESTIMATED REPAYMENT SCHEDULE**

LOAN AMOUNT: \$1,000,000

TERM: 5 YEARS

	PRINCIPAL PAYMENT	INTEREST PAYMENT AT 3%	INTEREST PAYMENT AT 2%	INTEREST PAYMENT AT 1%
PAYMENT IN YEAR 1	\$0.00	\$34,187.50	\$22,791.67	\$11,395.83
PAYMENT IN YEAR 2	\$250,000.00	\$30,000.00	\$20,000.00	\$10,000.00
PAYMENT IN YEAR 3	\$250,000.00	\$22,500.00	\$15,000.00	\$7,500.00
PAYMENT IN YEAR 4	\$250,000.00	\$15,000.00	\$10,000.00	\$5,000.00
PAYMENT IN YEAR 5	\$250,000.00	\$7,500.00	\$5,000.00	\$2,500.00
TOTAL PAYMENT	\$1,000,000.00	\$109,187.50	\$72,791.67	\$36,395.83

Assumptions:

First draw (\$750,000.00) taken January 3, 1997

Second draw (\$250,000.00) taken June 1, 1998

**PUBLIC WORKS TRUST FUND PRE-CONSTRUCTION LOAN
ESTIMATED REPAYMENT SCHEDULE**

LOAN AMOUNT: \$100,000

TERM: 5 YEARS

	PRINCIPAL PAYMENT	INTEREST PAYMENT AT 3%	INTEREST PAYMENT AT 2%	INTEREST PAYMENT AT 1%
PAYMENT IN YEAR 1	\$0.00	\$34,187.50	\$2,279.17	\$1,139.58
PAYMENT IN YEAR 2	\$25,000.00	\$30,000.00	\$2,000.00	\$1,000.00
PAYMENT IN YEAR 3	\$25,000.00	\$22,500.00	\$1,500.00	\$750.00
PAYMENT IN YEAR 4	\$25,000.00	\$15,000.00	\$1,000.00	\$500.00
PAYMENT IN YEAR 5	\$25,000.00	\$7,500.00	\$500.00	\$250.00
TOTAL PAYMENT	\$100,000.00	\$10,918.75	\$7,279.17	\$3,639.58

Assumptions:

First draw (\$75,000.00) taken January 3, 1997

Second draw (\$25,000.00) taken June 1, 1998

<p>Note: <i>All numbers generated are rounded. Numbers may not add up, due to rounding.</i></p>
--

PUBLIC WORKS TRUST FUND
SUMMARY OF ELIGIBLE PROJECT COSTS
(as excerpted from WAC 399-30-030)

- (3) Direct costs eligible for public works loans are those costs which are directly attributable to a specific project and shall include:
- (a) Direct labor (engineering and/or construction) including related employee benefits:
- (i) Salaries and wages (at actual or average rates) covering productive labor hours of the local government employees (excluding the administrative organization of the operating unit involved) for periods of time, actively or incidentally engaged in:
- (A) engineering,
 - (B) acquisition of rights-of-way, and
 - (C) construction inspection activities.

The cost of services rendered by employees generally classified as administrative are considered a direct cost only when such employees are assigned for short periods of time to perform on a full-time basis the types of services described above and when similar procedures are followed;

- (ii) Employee benefits relating to direct labor are considered a direct cost of construction projects. The following items may be included as employee benefits:
- (A) F.I.C.A. (Social Security) - employer's share;
 - (B) Retirement benefits;
 - (C) Hospital, health, dental, and other welfare insurance;
 - (D) Life insurance;
 - (E) Industrial and medical insurance;
 - (F) Vacation;
 - (G) Holiday;
 - (H) Sick leave; and
 - (I) Military leave and jury duty.

Employee benefits shall be calculated as a percentage of direct labor dollars. The computation of predetermined percentage rates to be applied to current labor costs shall be based upon the average of total employee benefits and total labor costs for the prior fiscal year and adjusted by known current year variations.

- (b) Contract engineering and planning services.
- (c) Right-of-way acquisition costs including:
- (i) Purchase of land and easements acquired for and devoted to the project;
 - (ii) Purchase of improvements;
 - (iii) Adjustment or re-establishment of improvements;
 - (iv) Salaries, expenses or fees of appraisers, negotiators or attorneys;
 - (v) Removal or demolition of improvement; and
 - (vi) Other direct costs in connection with the acquisition.

Amounts received from the sale of excess real property or improvements and from any rentals shall be a reduction of the direct cost.

- (d) Contract construction work.
- (e) Direct vehicle and equipment charges at the actual rental cost paid for the equipment or, in the case of city or county-owned equipment, at the rental rates established by the local government's "equipment rental and revolving fund" following the methods prescribed by the division of municipal corporations: Provided, That such costs shall be charged on a uniform basis to

equipment used for all projects regardless of the source of funding. Cities with a population of eight thousand or less which may not use this type of fund shall be allowed the same rates as used by the department of transportation.

- (f) Direct materials and supplies. The cost of materials used in projects shall be based upon methods prescribed for the "equipment rental and revolving fund" by the division of municipal corporations.
 - (i) An overhead rate or "loading factor" shall not be considered an appropriate additive to the actual cost of materials and supplies used on construction projects unless the factor is readily and properly supportable by the governmental unit's accounting records.
 - (ii) The cost, or reasonable estimate thereof, of materials paid for as contract estimate items, but not used, shall be considered a reduction of direct costs. Any material which may be salvaged in connection with a project shall be assigned a reasonable value and considered a reduction of direct costs.
- (g) Interdepartmental charges for work performed by the local government for the benefit of specific construction projects shall be limited to direct costs plus an allocation of indirect costs based upon ten percent of direct labor dollars, excluding employee benefits.
- (h) Other direct costs incurred for materials or services acquired for a specific project shall be eligible for participation by public works loan funds and may include, but shall not be limited to such items as:
 - (i) Telephone charges;
 - (ii) Reproduction and photogrammetry costs;
 - (iii) Video and photography for project documentation;
 - (iv) Computer usage; and
 - (v) Printing and advertising.
- (4) Applications shall be submitted to the board in writing, on such forms as may be prescribed by and obtained from the board for the current funding cycle.
- (5) Any application for financial assistance submitted to the board shall be signed and verified by a responsible official of the applicant jurisdiction. Such official shall also provide the board with any additional materials or information in support of the application which the board or its staff may request.

[Statutory Authority: RCW 43.155.040(4). 92-03-052, § 399-30-030, filed 1/13/92, effective 2/13/92. Statutory Authority: 1985 c 446 § 10. 85-24-072 (Order 85-17), § 399-30-030, filed 12/4/85.]

GUIDELINES FOR PREPARING THE SCOPE OF WORK

The Scope of Work provides a brief description of your project. When completed and signed, it becomes part of the formal loan agreement. The following are some guidelines to help you in preparing the Scope of Work.

GENERAL GUIDELINES.....

1. **Provide a concise, quantified description of the project, including length, width, capacities, and quantities.** For example:
"Replace existing water mains with approximately 5,000 feet of 12" PVC water main."
2. **But avoid making the Scope too detailed or precise.** Remember the Scope of Work is part of your loan agreement, and you may be required to complete all the work elements as described. Too much detail can unnecessarily limit your flexibility.

Instead of: "The project consists of installing 36,959 feet of 16" concrete pipe",

Say: "The project consists of installing approximately 37,000 feet of 16" concrete pipe."

Instead of: "We plan to install a 40 MIL protective liner to cover the floor and sidewalls of the reservoir",

Say: "We plan to install the most appropriate protective liner to cover the floor and sidewalls of the reservoir."

3. **Try to make the Scope as inclusive as possible.** You may be able to avoid a future Scope of Work change by anticipating ahead of time the worst-case and/or best case (e.g., low bids) scenario. See "Making the Scope More Inclusive."

MAKING THE SCOPE MORE INCLUSIVE

If your project consists of utility work that requires trench patching and an overlay from roadway edge to roadway edge, include a statement to this effect in your Scope.

You may choose to write a "basic" Scope of Work with additional work elements added should low bids be received. The example below shows how this may be done.

Example: Water Line Replacement

Basic Scope of Work: Replace approximately 8,000 feet of 8" water line and approximately 4,350 feet of 6" water line.

Phase II: If sufficient funds are available, an additional 1,200 of 6" line will be replaced.

CAUTION: Keep in mind while preparing your Scope that you will be expected to complete all the elements identified in your basic Scope, even if engineering review indicates additional work elements may be required or bids come in higher than anticipated.

GOOD EXAMPLES...

These examples illustrate the appropriate level of detail for your Scope of Work. Your particular project may be more complex than these and therefore require more discussion. Just remember to make your descriptions as concise as possible.

Sewer Rehabilitation Project--This project consists of rehabilitating approximately 75,000 lineal feet of existing concrete sanitary sewer pipe in the Pioneer Square sewage collection areas. The existing pipes will be cleaned and television inspected. Repair of defective joints will include internal grouting, soft lining, or slip lining, as appropriate. Defective manholes will be rehabilitated and failed sections of pipe will be replaced, where appropriate. Associated street patching will also be included.

Road Project--This project covers approximately six square blocks as shown on the accompanying map and consists of installing approximately:

- 2,700 lineal feet of 6" water line
- 2,600 lineal feet of 8" sewer line
- 3,300 lineal feet of 15" storm drain
- 14,000 square yards of street reconstruction

The project includes replacement of water service lines and sewer laterals within the public right-of-way, as needed. Replacement of fire hydrants, catch basins, manholes, deteriorated curb and gutter, and traffic control signs and markings are also included.

Water Reservoir Repair--Repair water reservoir Number 3. This project consists of preparing the surfaces inside the reservoir by grinding off the sharp edges of concrete, sealing existing cracks in the floor and side walls, removing and replacing the access ladder and float indicator cage with new assembly, and installing a protective pad and liner to cover the floor and side walls.

NOT RECOMMENDED

This example contains more detail than necessary.

Road Project--The three-mile section of A Street from North B Street to C Street will be widened. The existing roadway is mostly four-lane, though some small sections are wider. This section of roadway will be widened to six lanes, with left turn lanes in some areas. Curb, gutter, sidewalk, storm drainage, street lights, street trees, and other landscaping will be provided throughout this length. Bike lanes will be provided from First Highway north to 45th Avenue. Along the west side of A Street, from Rainier Highway to about 1/2 mile north, southbound bikes will share an extra-wide walkway on the west side of the street with pedestrians. The sidewalk/bike lane along the Mount Rainier Corporate Center frontage will be separated from the curb and will meander back and forth between landscaped strips. Bike lanes along other sections of A Street will be on the roadway next to the curb.

SAMPLE DESCRIPTIONS OF NEED

The following are examples of hypothetical responses to Question 4.02, demonstrating how answers could be improved to increase our understanding of the full extent of the problem, or the project's benefits. These examples are not all-inclusive. Individual answers must be tailored to fit the local conditions and may require (substantially) more information than these examples provided.

No Explanation of How or Why

Currently the district has no way to know how much water loss there is within the system, since we have no meters. If we can get people to conserve, we should be able to save operation costs as well as be able to establish an equitable rate based on actual use rather than the flat rate we now have.

Better

Individual water connections within the district are currently unmetered. Water rates have been set at a flat rate of \$11.20 per month. Since we cannot account for or charge for excessive water use, the demand on our system is nearly three times what you would expect for a similarly sized district in this region. Further, we strongly suspect we are experiencing serious water loss because the average age of our lines is 40 years old and work crew time for emergency repair has increased from 1.2 days per month to 3.4 days per month in the last year.

This metering project will allow us to charge a rate based on actual consumption. Increased rates will encourage conservation, and will allow us to finance a line replacement program. Metering will also help us to determine the amount and location of our water losses. Savings in reduced maintenance crew time, reduced pumping costs, and reduced chlorination are estimated to be \$5,700/yr. This in turn will benefit all 44 customers of the district.

Too Vague

The intersection of Bemont Road and Bevell Boulevard is very dangerous. The County Engineer considers this to be one of the worst spots in the county. Many people have been involved in accidents in this location - including two fatalities this year.

Better

The intersection of Bemont Road and Bevell Boulevard is poorly designed. The intersection is at an acute angle and the sighting distance to the crest of Bevell Hill is less than 50 percent of that recommended by AASHTO. These design problems, combined with a doubling of traffic on Bevell Boulevard in the last nine years, have resulted in a five-fold increase in traffic accidents during the last ten years - from 5 in 1984 to 27 in 1993 (2 fatalities in 1993).

The proposed project consists of a realignment of Bemont Road to eliminate the design problems and the addition of a center turn lane on Bevell Boulevard to reduce congestion problems resulting from the increased traffic on this road.

These improvements will greatly enhance safety for all road users, including three bus routes to New Heights Middle School.

No Explanation of Why

The city has determined that lining the existing sewer lines in the Central Business District is the best alternative. This will limit business disruptions, be the most cost efficient, and will greatly reduce the problems that we have with infiltration and inflow.

Better

Lining the existing sewer lines in the Central Business District will allow us to continue to use the existing lines for another 20 years. This will save us \$120,000 over the cost of purchasing new ductile iron lines. Bus disruption will be limited to a single location for approximately two weeks (see map). Modeling has shown that this project should eliminate 75 percent of infiltration and inflow.

This project will reduce the amount of wastewater which needs to be treated, saving the city an estimated \$30,000/yr. in treatment costs and freeing up an additional five percent for future treatment capacity. The savings and additional sewage capacity will benefit all of the city's residents connected to the city sewage system (92% of the population).

CHAPTER 39.69
PUBLIC LOANS TO MUNICIPAL CORPORATIONS

Sections	
39.69.010	"Municipal corporation" defined.
39.69.020	Loan agreements.
39.69.030	Application of constitutional debt limitations.
39.69.040	Chapter supplemental.

RCW 39.69.010 "Municipal corporation" defined. As used in this chapter, "municipal corporation" includes counties, cities, towns, port districts, sewer districts, water districts, school districts, metropolitan park districts, or such other units of local government which are authorized to issue obligations. [1987 c 19 § 1.]

RCW 39.69.020 Loan agreements. Any municipal corporation may enter into a loan agreement containing the terms and conditions of a loan from an agency of the state of Washington or the United States of America and evidencing the obligation of the municipal corporation to repay that loan under the terms and conditions set forth in the loan agreement. A loan agreement may provide that the municipal corporation will repay the loan solely from revenues set aside into a special fund for repayment of that loan. In the case of a municipal corporation authorized to borrow money payable from taxes, and authorized to levy such taxes, the loan agreement may provide that repayment of the loan is a general obligation of the municipal corporation, or both a general obligation and an obligation payable from revenues set aside into a special fund.

The state or federal agency making the loan shall have such rights of recovery in the event of default in payment or other breach of the loan agreement as may be provided in the loan agreement or otherwise by law. [1987 c 19 § 2.]

RCW 39.69.030 Application of constitutional debt limitations. Nothing in this chapter authorizes municipal corporations to incur indebtedness beyond constitutional indebtedness limitations. [1987 c 19 § 3.]

RCW 39.69.040 Chapter supplemental. The authority under this chapter is supplemental and in addition to the authority to issue obligations under any other provision of law. [1987 c 19 § 4.]

Chapter 39.80

CONTRACTS FOR ARCHITECTURAL AND ENGINEERING SERVICES

Sections

39.80.010	Legislative declaration
39.80.020	Definitions
39.80.010	Legislative declaration.
39.80.030	Agency's requirement for professional services--Advance publication
39.80.040	Procurement of architectural and engineering services--Submission of statement of qualifications and performance data--Participation by minority and women-owned firms.
39.80.050	Procurement of architectural and engineering services--Contract negotiations.
39.80.060	Procurement of architectural and engineering services--Exception for emergency work.
39.80.070	Contracts, modifications reported to the office of financial management.
39.80.900	Savings.
39.80.910	Severability--1981 c 61.

RCW 39.80.010 Legislative declaration. The legislature hereby establishes a state policy, to the extent provided in this chapter, that governmental agencies publicly announce requirements for architectural and engineering services, and negotiate contracts for architectural and engineering services on the basis of demonstrated competence and qualification for the type of professional services required and at fair and reasonable prices. [1981 c 61 § 1.]

NOTES: Effective date--1981 c 61: "This act shall take effect on January 1, 1982." [1981 c 61 § 9.]

RCW 39.80.020 Definitions. Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "State agency" means any department, agency, commission, bureau, office, or any other entity or authority of the state government.

(2) "Local agency" means any city and any town, county, special district, municipal corporation, agency, port district or authority, or political subdivision of any type, or any other entity or authority of local government in corporate form or otherwise.

(3) "Special district" means a local unit of government, other than a city, town, or county, authorized by law to perform a single function or a limited number of functions, and including but not limited to, water districts, irrigation districts, fire districts, school districts, community college districts, hospital districts, sewer districts, transportation districts, and metropolitan municipal corporations organized under chapter 35.58 RCW.

(4) "Agency" means both state and local agencies and special districts as defined in subsection[s] (1), (2), and (3) of this section.

(5) "Architectural and engineering services" or "professional services" means professional services rendered by any person, other than as an employee of the agency, contracting to perform activities within the scope of the general definition of professional practice in chapters 18.08, 18.43, or 18.96 RCW.

(6) "Person" means any individual, organization, group, association, partnership, firm, joint venture, corporation, or any combination thereof.

(7) "Consultant" means any person providing professional services who is not an employee of the agency for which the services are provided.

(8) "Application" means a completed statement of qualifications together with a request to be considered for the award of one or more contracts for professional services. [1981 c 61 § 2.]

NOTES: Effective date--1981 c 61: See note following RCW 39.80.010.

RCW 39.80.030 Agency's requirement for professional services--Advance publication. Each agency shall publish in advance that agency's requirement for professional services. The announcement shall state concisely the general scope and nature of the project or work for which the services are required and the address of a representative of the agency who can provide further details. An agency may comply with this section by:

(1) Publishing an announcement on each occasion when professional services provided by a consultant are required by the agency; or (2) announcing generally to the public its projected requirements for any category or type of professional services. [1981 c 61 § 3.]

NOTES: Effective date--1981 c 61: See note following RCW 39.80.010.

RCW 39.80.040 Procurement of architectural and engineering services--Submission of statement of qualifications and performance data--Participation by minority and women-owned firms. In the procurement of architectural and engineering services, the agency shall encourage firms engaged in the lawful practice of their profession to submit annually a statement of qualifications and performance data. The agency shall evaluate current statements of qualifications and performance data on file with the agency, together with those that may be submitted by other firms regarding the proposed project, and shall conduct discussions with one or more firms regarding anticipated concepts and the relative utility of alternative methods of approach for furnishing the required services and then shall select therefrom, based upon criteria established by the agency, the firm deemed to be the most highly qualified to provide the services required for the proposed project. Such agency procedures and guidelines shall include a plan to insure that minority and women-owned firms are afforded the maximum practicable opportunity to compete for and obtain public contracts for services. The level of participation by minority and women-owned firms shall be consistent with their general availability within the professional communities involved. [1981 c 61 § 4.]

NOTES: Effective date--1981 c 61: See note following RCW 39.80.010.

RCW 39.80.050 Procurement of architectural and engineering services--Contract negotiations. (1) The agency shall negotiate a contract with the most qualified firm for architectural and engineering services at a price which the agency determines is fair and reasonable to the agency. In making its determination, the agency shall take into account the estimated value of the services to be rendered as well as the scope, complexity, and professional nature thereof.

(2) If the agency is unable to negotiate a satisfactory contract with the firm selected at a price the agency determines to be fair and reasonable, negotiations with that firm shall be formally terminated and the agency shall select other firms in accordance with RCW 39.80.040 and continue in accordance with this section until an agreement is reached or the process is terminated. [1981 c 61 § 5.]

NOTES: Effective date--1981 c 61: See note following RCW 39.80.010.

RCW 39.80.060 Procurement of architectural and engineering services--Exception for emergency work. (1) This chapter need not be complied with by any agency when the contracting authority makes a finding in accordance with this or any other applicable law that an emergency requires the immediate execution of the work involved.

(2) Nothing in this chapter shall relieve the contracting authority from complying with applicable law limiting emergency expenditures. [1981 c 61 § 6.]

NOTES: Effective date--1981 c 61: See note following RCW 39.80.010.

RCW 39.80.070 Contracts, modifications reported to the office of financial management. Contracts entered into by any state agency for architectural and engineering services, and modifications thereto, shall be reported to the office of financial management on a quarterly basis, in such form as the office of financial management prescribes. [1993 c 433 § 9.]

RCW 39.80.900 Savings. Nothing in this chapter shall affect the validity or effect of any contract in existence on January 1, 1982. [1981 c 61 § 7.]

NOTES: Effective date--1981 c 61: See note following RCW 39.80.010.

RCW 39.80.910 Severability--1981 c 61. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected. [1981 c 61 § 8.]

NOTES: Effective date--1981 c 61: See note following RCW 39.80.010.

CHAPTER 43.17
COUNTY-WIDE PLANNING
POLICY INCENTIVES

RCW 43.17.250 County-wide planning policy incentives. Whenever a state agency is considering awarding grants or loans for a county, city, or town to finance public facilities, it shall consider whether the county, city, or town that is requesting the grant or loan is a party to a county-wide planning policy under RCW 36.70A.210 relating to the type of public facility for which the grant or loan is sought, and shall accord additional preference to the county, city, or town if such county-wide planning policy exists. Whenever a state agency is considering awarding grants or loans to a special district for public facilities, it shall consider whether the county, city, or town in whose planning jurisdiction the proposed facility is located is a party to a county-wide planning policy under RCW 36.70A.210 relating to the type of public facility for which the grant or loan is sought. [1991 sp.s. c 32 § 25.]

NOTES: Reviser's note: 1991 sp.s. c 32 directed that this section be added to chapter 43.01 RCW. The placement appears inappropriate and the section has been codified as part of chapter 43.17 RCW.

Section headings not law--1991 sp.s. c 32: See RCW 36.70A.902.

CHAPTER 43.155 RCW PUBLIC WORKS PROJECTS

PUBLIC WORKS TRUST FUND ENABLING LEGISLATION

Sections

43.155.010	Legislative findings and policy.
43.155.020	Definitions.
43.155.030	Public works board created.
43.155.040	General powers of the board.
43.155.050	Public works assistance account.
43.155.060	Public works financing powers--Competitive bid on projects.
43.155.065	Emergency public works projects.
43.155.070	Eligibility and priority.
43.155.080	Records and audits.
43.155.090	Loan agreements.

RCW 43.155.010 Legislative findings and policy. The legislature finds that there exists in the state of Washington over four billion dollars worth of critical projects for the planning, acquisition, construction, repair, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, and storm and sanitary sewage systems. The December, 1983 Washington state public works report prepared by the planning and community affairs agency documented that local governments expect to be capable of financing over two billion dollars worth of the costs of those critical projects but will not be able to fund nearly half of the documented needs. The legislature further finds that Washington's local governments have unmet financial needs for solid waste disposal, including recycling, and encourages the board to make an equitable geographic distribution of the funds. It is the policy of the state of Washington to encourage self-reliance by local governments in meeting their public works needs and to assist in the financing of critical public works projects by making loans, financing guarantees, and technical assistance available to local governments for these projects. [1985 c 446 § 7.]

RCW 43.155.020 Definitions. Unless the context clearly requires otherwise, the definitions in this section shall apply throughout this chapter.

(1) "Board" means the public works board created in RCW 43.155.030.

(2) "Department" means the department of community, trade, and economic development.

(3) "Financing guarantees" means the pledge of money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal of or interest on obligations issued by local governments to finance public works projects.

(4) "Local governments" means cities, towns, counties, special purpose districts, and any other municipal corporations or quasi-municipal corporations in the state excluding school districts and port districts.

(5) "Public works project" means a project of a local government for the planning, acquisition, construction, repair, reconstruction, replacement, rehabilitation, or improvement of streets and roads, bridges, water systems, or storm and sanitary sewage systems and solid waste facilities, including recycling facilities.

(6) "Solid waste or recycling project" means remedial actions necessary to bring abandoned or closed landfills into compliance with regulatory requirements and the repair, restoration, and replacement of existing solid waste transfer, recycling facilities, and landfill projects limited to the opening of landfill cells that are in existing and permitted landfills.

(7) "Technical assistance" means training and other services provided to local governments to: (a) Help such local governments plan, apply, and qualify for loans and financing guarantees from the board, and (b) help local governments improve their ability to plan for, finance, acquire, construct, repair, replace, rehabilitate, and maintain public facilities. [1995 c 399 § 85; 1985 c 446 § 8.]

RCW 43.155.030 Public works board created. (1) The public works board is hereby created.

(2) The board shall be composed of thirteen members appointed by the governor for terms of four years, except that five members initially shall be appointed for terms of two years. The board shall include: (a) Three members, two of whom shall be elected officials and one shall be a public works manager, appointed from a list of at least six persons nominated by the association of Washington cities or its successor; (b) three members, two of whom shall be elected officials and one shall be a public works manager, appointed from a list of at least six persons nominated by the Washington state association of counties or its successor; (c) three members appointed from a list of at least six persons nominated jointly by the Washington state association of water districts, the Washington public utility districts association, and the Washington state association of sewer districts or their successors; and (d) four members appointed from the general public. In appointing the four general public members, the governor shall endeavor to balance the geographical composition of the board and to include members with special expertise in relevant fields such as public finance, architecture and civil engineering, and public works construction. The governor shall appoint one of the general public members of the board as chair. The term of the chair shall coincide with the term of the governor.

(3) Staff support to the board shall be provided by the department.

(4) Members of the board shall receive no compensation but shall be reimbursed for travel expenses under RCW 43.03.050 and 43.03.060.

(5) If a vacancy on the board occurs by death, resignation, or otherwise, the governor shall fill the vacant position for the unexpired term. Each vacancy in a position appointed from lists provided by the associations under subsection (2) of this section shall be filled from a list of at least three persons nominated by the relevant association or associations. Any members of the board, appointive or otherwise, may be removed by the governor for cause in accordance with RCW 43.06.070 and 43.06.080. [1985 c 446 § 9.]

RCW 43.155.040 General powers of the board. The board may:

(1) Accept from any state or federal agency, loans or grants for the planning or financing of any public works project and enter into agreements with any such agency concerning the loans or grants;

(2) Provide technical assistance to local governments;

(3) Accept any gifts, grants, or loans of funds, property, or financial or other aid in any form from any other source on any terms and conditions which are not in conflict with this chapter;

(4) Adopt rules under chapter 34.05 RCW as necessary to carry out the purposes of this chapter;

(5) Do all acts and things necessary or convenient to carry out the powers expressly granted or implied under this chapter. [1985 c 446 § 10.]

RCW 43.155.050 Public works assistance account. The public works assistance account is hereby established in the state treasury. Money may be placed in the public works assistance account from the proceeds of bonds when authorized by the legislature or from any other lawful source. Money in the public works assistance account shall be used to make loans and to give financial guarantees to local governments for public works projects. Moneys in the account may also be appropriated to provide for state match requirements under federal law for projects and activities conducted and financed by the board under the drinking water assistance account. During the 1995-97 fiscal biennium, moneys in the public works assistance account may be appropriated for transfer to the flood control assistance account to be used for flood control assistance, including grants under chapter 86.26 RCW. To the extent that moneys in the public works assistance account are not appropriated during the 1995-97 fiscal biennium for public works or flood control assistance, the legislature may direct their transfer to the state general fund. In awarding grants under chapter 86.26 RCW, the department of ecology shall give strong preference to local governments that have: (1) Implemented, or are in the process of implementing, an ordinance that establishes a flood plain policy that is substantially more stringent than minimum federal requirements; (2) completed a comprehensive flood control plan meeting the requirements of RCW 86.12.200; or (3) constructed, or are in the process of constructing, a system of overtopping dikes or levees that allow public access. [1995 2nd sp.s. c 18 § 918; 1995 c 376 § 11; 1993 sp.s. c 24 § 921; 1985 c 471 § 8.]

***Reviser's note:** This section was amended by 1995 c 376 § 11 and by 1995 2nd sp.s. c 18 § 918, each without reference to the other. Both amendments are incorporated in the publication of this section pursuant to RCW 1.12.025(2). For rule of construction, see RCW 1.12.025(1).

Severability--Effective date--1995 2nd sp.s. c 18: See notes following RCW 19.118.110.
Findings--1995 c 376: See note following RCW 70.116.060.

Severability--Effective dates--1993 sp.s. c 24: See notes following RCW 28A.165.070.

Severability--Effective date--1985 c 471: See notes following RCW 82.04.260.

RCW 43.155.060 Public works financing powers--Competitive bids on projects. In order to aid the financing of public works projects, the board may:

(1) Make low-interest or interest-free loans to local governments from the public works assistance account or other funds and accounts for the purpose of assisting local governments in financing public works projects. The board may require such terms and conditions and may charge such rates of interest on its loans as it deems necessary or convenient to carry out the purposes of this chapter. Money received from local governments in repayment of loans made under this section shall be paid into the public works assistance account for uses consistent with this chapter.

(2) Pledge money in the public works assistance account, or money to be received by the public works assistance account, to the repayment of all or a portion of the principal of or interest on obligations issued by local governments to finance public works projects. The board

shall not pledge any amount greater than the sum of money in the public works assistance account plus money to be received from the payment of the debt service on loans made from that account, nor shall the board pledge the faith and credit or the taxing power of the state or any agency or subdivision thereof to the repayment of obligations issued by any local government.

(3) Create such subaccounts in the public works assistance account as the board deems necessary to carry out the purposes of this chapter.

(4) Provide a method for the allocation of loans and financing guarantees and the provision of technical assistance under this chapter.

All local public works projects aided in whole or in part under the provisions of this chapter shall be put out for competitive bids, except for emergency public works under RCW 43.155.065 for which the recipient jurisdiction shall comply with this requirement to the extent feasible and practicable. The competitive bids called for shall be administered in the same manner as all other public works projects put out for competitive bidding by the local governmental entity aided under this chapter. [1988 c 93 § 2; 1985 c 446 § 11.]

RCW 43.155.065 Emergency public works projects. The board may make low-interest or interest-free loans to local governments for emergency public works projects. Emergency public works projects shall include the construction, repair, reconstruction, replacement, rehabilitation, or improvement of a public water system that is in violation of health and safety standards and is being operated by a local government on a temporary basis. The loans may be used to help fund all or part of an emergency public works project less any reimbursement from any of the following sources: (1) Federal disaster or emergency funds, including funds from the federal emergency management agency; (2) state disaster or emergency funds; (3) insurance settlements; or (4) litigation. Emergency loans may be made only from those funds specifically appropriated from the public works assistance account for such purpose by the legislature. The amount appropriated from the public works assistance account for emergency loan purposes shall not exceed five percent of the total amount appropriated from this account in any biennium. [1990 c 133 § 7; 1988 c 93 § 1.]

Findings--Severability --1990 c 133: See notes following RCW 36.94.140.

RCW 43.155.068 Loans for preconstruction activities. (1) The board may make low-interest or interest-free loans to local governments for preconstruction activities on public works projects before the legislature approves the construction phase of the project. Preconstruction activities include design, engineering, bid-document preparation, environmental studies, right of way acquisition, and other preliminary phases of public works projects as determined by the board. The purpose of the loans authorized in this section is to accelerate the completion of public works projects by allowing preconstruction activities to be performed before the approval of the construction phase of the project by the legislature.

(2) Projects receiving loans for preconstruction activities under this section must be evaluated using the priority process and factors in RCW 43.155.070(2). The receipt of a loan for preconstruction activities does not ensure the receipt of a construction loan for the project under this chapter. Construction loans for projects receiving a loan for preconstruction activities

under this section are subject to legislative approval under RCW 43.155.070 (4) and (5). The board shall adopt a single application process for local governments seeking both a loan for preconstruction activities under this section and a construction loan for the project.

(3) Preconstruction activity loans under this section may be made only from those funds specifically appropriated from the public works assistance account for such a purpose by the legislature. [1995 c 363 § 2.]

NOTES:

Finding--Purpose--1995 c 363: "The legislature finds that there continues to exist a great need for capital projects to plan, acquire, design, construct, and repair local government streets, roads, bridges, water systems, and storm and sanitary sewage systems. It is the purpose of this act to accelerate the construction of these projects under the public works assistance program." [1995 c 363 § 1.]

RCW 43.155.070 Eligibility, priority, limitations, and exceptions. (1) To qualify for loans or pledges under this chapter the board must determine that a local government meets all of the following conditions:

(a) The city or county must be imposing a tax under chapter 82.46 RCW at a rate of at least one-quarter of one percent;

(b) The local government must have developed a long-term plan for financing public works needs;

(c) The local government must be using all local revenue sources which are reasonably available for funding public works, taking into consideration local employment and economic factors; and

(d) A county, city, or town that is required or chooses to plan under RCW 36.70A.040 must have adopted a comprehensive plan in conformance with the requirements of chapter 36.70A RCW, after it is required that the comprehensive plan be adopted, and must have adopted development regulations in conformance with the requirements of chapter 36.70A RCW, after it is required that development regulations be adopted.

(2) The board shall develop a priority process for public works projects as provided in this section. The intent of the priority process is to maximize the value of public works projects accomplished with assistance under this chapter. The board shall attempt to assure a geographical balance in assigning priorities to projects. The board shall consider at least the following factors in assigning a priority to a project:

(a) Whether the local government receiving assistance has experienced severe fiscal distress resulting from natural disaster or emergency public works needs;

(b) Whether the project is critical in nature and would affect the health and safety of a great number of citizens;

(c) The cost of the project compared to the size of the local government and amount of loan money available;

(d) The number of communities served by or funding the project;

(e) Whether the project is located in an area of high unemployment, compared to the average state unemployment;

(f) Whether the project is the acquisition, expansion, improvement, or renovation by a local government of a public water system that is in violation of health and safety standards, including the cost of extending existing service to such a system;

(g) The relative benefit of the project to the community, considering the present level of economic activity in the community and the existing local capacity to increase local economic activity in communities that have low economic growth; and

(h) Other criteria that the board considers advisable. (3) Existing debt or financial obligations of local governments shall not be refinanced under this chapter. Each local government applicant shall provide documentation of attempts to secure additional local or other sources of funding for each public works project for which financial assistance is sought under this chapter.

(4) Before November 1 of each year, the board shall develop and submit to the appropriate fiscal committees of the senate and house of representatives a description of the loans made under RCW 43.155.065, 43.155.068, and subsection (7) of this section during the preceding fiscal year and a prioritized list of projects which are recommended for funding by the legislature, including one copy to the staff of each of the committees. The list shall include, but not be limited to, a description of each project and recommended financing, the terms and conditions of the loan or financial guarantee, the local government jurisdiction and unemployment rate, demonstration of the jurisdiction's critical need for the project and documentation of local funds being used to finance the public works project. The list shall also include measures of fiscal capacity for each jurisdiction recommended for financial assistance, compared to authorized limits and state averages, including local government sales taxes; real estate excise taxes; property taxes; and charges for or taxes on sewerage, water, garbage, and other utilities.

(5) The board shall not sign contracts or otherwise financially obligate funds from the public works assistance account before the legislature has appropriated funds for a specific list of public works projects. The legislature may remove projects from the list recommended by the board. The legislature shall not change the order of the priorities recommended for funding by the board.

(6) Subsection (5) of this section does not apply to loans made under RCW 43.155.065, 43.155.068, and subsection (7) of this section.

(7)(a) Loans made for the purpose of capital facilities plans shall be exempted from subsection (5) of this section. In no case shall the total amount of funds utilized for capital facilities plans and emergency loans exceed the limitation in RCW 43.155.065.

(b) For the purposes of this section "capital facilities plans" means those plans required by the growth management act, chapter 36.70A RCW, and plans required by the public works board for local governments not subject to the growth management act. [1995 c 363 § 3; 1993 c 39 § 1; 1991 sp.s. c 32 § 23; 1990 1st ex.s. c 17 § 82; 1990 c 133 § 6; 1988 c 93 § 3; 1987 c 505 § 40; 1985 c 446 § 12.]

(8) To qualify for loans or pledges for **solid waste or recycling facilities** under this chapter, a city or county must demonstrate that the solid waste or recycling facility is consistent with and necessary to implement the comprehensive solid waste management plan adopted by the city or county under chapter 70.95 RCW.

NOTES:

Finding--Purpose--1995 c 363: See note following RCW 43.155.068.

Effective date--1993 c 39: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and shall take effect July 1, 1993." [1993 c 39 § 2.]

Section headings not law --1991 sp.s. c 32: See RCW 36.70A.902.

Intent--1990 1st ex.s. c 17: See note following RCW 43.210.010.

Severability--Part, section headings not law--1990 1st ex.s. c 17: See RCW 36.70A.900 and 36.70A.901.

Findings--Severability--1990 c 133: See notes following RCW 36.94.140.

RCW 43.155.080 Records and audits. The board shall keep proper records of accounts and shall be subject to audit by the state auditor. [1987 c 505 § 41; 1985 c 446 § 13.]

RCW 43.155.090 Loan agreements. Loans from the public works assistance account under this chapter shall be made by loan agreement under chapter 39.69 RCW. [1987 c 19 § 6.]

CHAPTER 82.46
COUNTIES AND CITIES-EXCISE TAX ON REAL ESTATE SALES

RCW 82.46.010 Tax on sale of real property authorized-- Proceeds dedicated to local capital projects--Additional tax authorized--Maximum rates. (1) The legislative authority of any county or city shall identify in the adopted budget the capital projects funded in whole or in part from the proceeds of the tax authorized in this section, and shall indicate that such tax is intended to be in addition to other funds that may be reasonably available for such capital projects.

(2) The legislative authority of any county or any city may impose an excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding one-quarter of one percent of the selling price. The revenues from this tax shall be used by any city or county with a population of five thousand or less and any city or county that does not plan under RCW 36.70A.040 for any capital purpose identified in a capital improvements plan and local capital improvements, including those listed in RCW 35.43.040.

After April 30, 1992, revenues generated from the tax imposed under this subsection in counties over five thousand population and cities over five thousand population that are required or choose to plan under RCW 36.70A.040 shall be used solely for financing capital projects specified in a capital facilities plan element of a comprehensive plan and housing relocation assistance under RCW 59.18.440 and 59.18.450. However, revenues (a) pledged by such counties and cities to debt retirement prior to April 30, 1992, may continue to be used for that purpose until the original debt for which the revenues were pledged is retired, or (b) committed prior to April 30, 1992, by such counties or cities to a project may continue to be used for that purpose until the project is completed.

(3) In lieu of imposing the tax authorized in RCW 82.14.030(2), the legislative authority of any county or any city may impose an additional excise tax on each sale of real property in the unincorporated areas of the county for the county tax and in the corporate limits of the city for the city tax at a rate not exceeding one-half of one percent of the selling price.

(4) Taxes imposed under this section shall be collected from persons who are taxable by the state under chapter 82.45 RCW upon the occurrence of any taxable event within the unincorporated areas of the county or within the corporate limits of the city, as the case may be.

(5) Taxes imposed under this section shall comply with all applicable rules, regulations, laws, and court decisions regarding real estate excise taxes as imposed by the state under chapter 82.45 RCW.

(6) As used in this section, "city" means any city or town and "capital project" means those public works projects of a local government for planning, acquisition, construction, reconstruction, repair, replacement, rehabilitation, or improvement of streets; roads; highways; sidewalks; street and road lighting systems; traffic signals; bridges; domestic water systems; storm and sanitary sewer systems; parks; recreational facilities; law enforcement facilities; fire protection facilities; trails; libraries; administrative and/or judicial facilities; river and/or waterway flood control projects by those jurisdictions that, prior to June 11, 1992, have expended funds derived from the tax authorized by this section for such purposes; and, until December 31, 1995, housing projects for those jurisdictions that, prior to June 11, 1992, have expended or committed to expend funds derived from the tax authorized by this section or the tax authorized by RCW 82.46.035 for such purposes. [1994 c 272 § 1; 1992 c 221 § 1; 1990 1st ex.s. c 17 § 36; 1982 1st ex.s. c 49 § 11.]

NOTES: Legislative declaration--1994 c 272: "The legislature declares that, in section 13, chapter 49, Laws of 1982 1st ex. sess., effective July 1, 1982, its original intent in limiting the use of the proceeds of the tax authorized in RCW 82.46.010(2) to "local capital improvements" was to include in such expenditures the acquisition of real and personal property associated with such local capital improvements. Any such expenditures made by cities, towns, and counties on or after July 1, 1982, are hereby declared to be authorized and valid." [1994 c 272 § 2.]

Expenditures prior to June 11, 1992: "All expenditures of revenues collected under RCW 82.46.010 made prior to June 11, 1992, are deemed to be in compliance with RCW 82.46.010." [1992 c 221 § 4.]

Severability--Part, section headings not law--1990 1st ex.s. c 17: See RCW 36.70A.900 and 36.70A.901.

Intent--Construction--Effective date--Fire district funding--1982 1st ex.s. c 49: See notes following RCW 35.21.710.